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**NEXUS OF CRIME AND TERRORISM:  
THE CASE OF THE ABU SAYYAF GROUP**

by

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December 2016

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**NEXUS OF CRIME AND TERRORISM:  
THE CASE OF THE ABU SAYYAF GROUP**

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## ABSTRACT

The purpose of this study is to provide a clear understanding of the nexus of crime and terrorism, using the Abu Sayyaf Group (ASG) as a case study. This terrorist group in the southern part of the Philippines has evolved as a hybrid organization, combining terrorist and criminal activities to achieve its objectives. Moreover, as a terrorist organization, ASG effectively employs criminal tactics for its survival. This group draws its strength and resilience from collusion with various lawless elements and other criminal groups in Mindanao.

This paper examines the theoretical framework of Makarenko's Crime-Terror (CT) Continuum to provide compelling explanations of the interaction and interoperability of crime and terrorism in the case of the ASG. It also highlights the Philippine CT strategy and approach to counter terrorism and discusses some notable gaps and problems, particularly its failure to recognize the ASG as a hybrid organization. This thesis concludes that the current Philippine counterterrorism strategy, although effective and in good shape, seems inadequate against hybrid organizations. Thus, this paper proposes that the Philippines re-examine its current CT strategy to be more appropriate, effective, and responsive against hybrid terrorist organizations.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AFP	Armed Forces of the Philippines
AHAI	Al-Harakatul Al-Islamiyah
APEC	Asia Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
ATC	Anti-Terrorism Council
CIA	Central Intelligence Agency
CTC	Crime-Terror Continuum
ETA	Basque Homeland and the Shining Path Freedom Movement (Spanish: <i>Euskadi Ta Askatasuna</i> )
FARC	The Revolutionary Armed Forces of Colombia (Spanish: <i>Fuerzas Armadas Revolucionarias de Colombia</i> )
FBI	Federal Bureau of Investigation
GCTF	Global Counter-terrorism Forum
HSA	Human Security Act
HVI	High-Value Individual
IED	Improvised Explosive Device
IIRO	International Islamic Relief Organization
IPSP	Internal Peace and Security Plan
IRA	Internal Revenue Allotment
JAPIC	Joint AFP-PNP Intelligence Committee
JI	Jemaah Islamiyah
KFR	Kidnap for Ransom
KLA	Kosovo Liberation Army
LGU	Local Government Unit
MCFF	Mujahideen Commando Freedom Fighters
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NATS	National Anti-Terrorism Strategy
NBI	National Bureau of Investigation

NICA	National Intelligence Coordinating Agency
NSA	National Security Adviser
NSP	National Security Policy
PKK	The Kurdistan Workers' Party (Kurdish: <i>Partiya Karkerê</i> <i>Kurdistanê</i> )
PNP–AKG	Philippine National Police–Anti-Kidnapping Group
POC	Peace and Order Council
UN	United Nations

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## I. INTRODUCTION

In the past two decades, abductions in Mindanao, the second-largest and southernmost island in the Philippines, have created an impression of the region as the kidnapping capital of the Philippines. Terrorist organizations and other lawless elements partner in criminal activities in this region. Although kidnapping for ransom seems to be the most favored activity, drug trafficking, arms smuggling, extortion, and assassinations round out the regular activities of these organizations. These problems persist due to the weak rule of law, the lack of good governance, illiteracy, unemployment, widespread poverty, and the sense of injustice among Muslims in Mindanao, all of which exacerbate the state of lawlessness, particularly in some Muslim areas in Mindanao.

Significantly, the Abu Sayyaf Group (ASG) has been the dominant group in terms of kidnapping in Mindanao. It has perpetrated a number of high-profile and sensational kidnapping incidents, especially following the death of its founding leader, Abdul Razak Abubakar Janjalani, in December 1998. Janjalani's death resulted in the temporary cessation of support from foreign terrorist organizations. Because of the collective efforts of various nations to combat terrorism and dismantle their global networks, support from foreign terrorist organizations has been reduced. These factors further drove the ASG to turn to criminal activities, particularly kidnapping for ransom, as a source of income either in support of the organization or for personal gain.

### A. MAJOR RESEARCH QUESTION

This thesis will focus on the criminal and terroristic activities of the ASG. The ASG provides a good example of how crime and terrorism intersect. The criminal activities of the ASG have been lucrative.<sup>1</sup> The funds obtained from these activities have become the backbone of the group's operational capability. Thus, this thesis asks, has the ASG's embrace of organized crime methods made it a more lethal terrorist group? Also,

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<sup>1</sup> McKenzie O'Brien, "Fluctuations Between Crime and Terror: The Case of Abu Sayyaf's Kidnapping Activities," *Terrorism and Political Violence* 24, no. 2 (2012): 326, DOI:10.1080/09546553.2011.648679.

how can the Philippine counterterrorism (CT) strategy benefit from understanding ASG as an organized crime organization?

## **B. SIGNIFICANCE OF THE RESEARCH QUESTION**

Despite the neutralization of key leaders, the ASG remains a major threat to the peace and order of the country. The Philippine government's responses seem to be ineffective in dismantling a small terrorist organization and thwarting its criminal activities. This fluctuation from terrorism to criminal behavior creates confusion about the appropriate approach and strategy to combat these threat groups.

According to Chris Dishman, it is important to be aware of the transformation of terrorist groups' motivations and political objectives because a profound involvement in criminal activity tends to change the aims and motivations of leaders.<sup>2</sup> He claims that if a terrorist organization realizes that its cause has become pointless or unpopular, it may resort to criminal activities employing its terrorist skills and assets and continue to use its political justification.<sup>3</sup> Hybrid organizations pose more challenges and require a different strategy and approach, however. Rommel Banlaoi claims that it is not an easy job to confront a terrorist group that is politically and ideologically motivated, collaborating with lawless elements, and getting involved in criminal activities.<sup>4</sup> He writes that the ASG pulls "tremendous strength from its superb ability" to collude with various armed groups in Mindanao.<sup>5</sup> When the ASG embarks on a series of criminal activities, especially kidnappings, huge financial gains corrupt its leaders, and they tend to focus on the financial gains of these operations.

Some counterterrorism experts in the Philippines believe that the problem with the ASG should be handled by the police, and they must enforce the law. The ASG,

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<sup>2</sup> Chris Dishman, "Terrorism, Crime, and Transformation," *Studies in Conflict & Terrorism* 24, no. 1 (August 2010): 56, DOI: 10.1080/10576100118878.

<sup>3</sup> Ibid.

<sup>4</sup> Rommel Banlaoi, "Current Terrorist Groups and Emerging Extremist Armed Movements in the Southern Philippines: Threats to Philippine National Security," National Defense College of the Philippines, accessed May 16, 2016, <http://www.ndcp.edu.ph/nsr.php>.

<sup>5</sup> Ibid.

however, operates in mountainous and far-flung areas of Basilan and Sulu, where the police could be ineffective. The local police are not adequately equipped and trained in jungle warfare or in counterterrorism operations. In most cases, the ASG is better equipped than the local police in terms of firearms and equipment. The Philippine government may benefit from thinking of terrorism and crime as two different things; thus, it may require two distinct approaches to combat the threat. Zack Fellman claims that there are instances when the ASG still engages in acts of violence such as bombings and assassinations, which make them more difficult to comprehend and confront.<sup>6</sup>

Mckenzie O'Brien argues that despite its small numbers, the ASG will continue to pose a threat to the Philippines because of the ASG's ability to recruit young and aggressive fighters through financial rewards.<sup>7</sup> Potential members are enticed to join because of monetary reasons and not by their Islamic beliefs.<sup>8</sup> Criminal activities have become a common tactic among the terrorists because crime is a lucrative way of generating funds for the group's operational capability.<sup>9</sup> Most terrorist groups realize that embracing organized crime methods would make them more effective, stronger, and more lethal.<sup>10</sup> Despite their rampant criminal activities—or more accurately, because of their embrace of crime—some terrorist organizations remain an active threat, capable of executing bombings and other violence.<sup>11</sup>

### **C. LITERATURE REVIEW**

To address the major research questions, this literature review will critically analyze, evaluate, and compare prior research studies and other scholarly sources related to the thesis's main theme. First, this review will provide a critical analysis of the definition of terrorism and who terrorists are. Second, it presents a theoretical framework

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<sup>6</sup> Zack Fellman, "Abu Sayyaf Group," *Center for Strategic Studies and International Studies*, case study no. 5 (November 2011): 5–6.

<sup>7</sup> O'Brien, "Fluctuations Between Crime and Terror," 326.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

that explains the nexus of crime and terrorism. Third, it provides basic knowledge about the ASG as the main focus of this paper. Finally, this review will present a preliminary discussion of a comprehensive and holistic approach to counter-terrorism by examining the responses of other countries.

## 1. Definition of Terrorism

Although experts and scholars have different definitions of terrorism, all of them broadly agree that it is a “kind of activity involving the threat or application of violence.”<sup>12</sup> Leonard Weinberg states that “terrorism is the calculated use of violence or threat to coerce or intimidate governments or societies in pursuit of political, ideological, and religious ends.”<sup>13</sup> He defines terrorism as a “politically motivated tactic,”<sup>14</sup> which involves the use of threats or violence to achieve widespread publicity. Harmonie Toros and Luca Mavelli agree that, among more than 100 definitions of terrorism, one common characteristic that emerges is the political nature of the acts.<sup>15</sup>

This special political charge of the violence is reflected in the legal frameworks that address terrorism and countering terrorism. Weinberg claims that most countries, especially democracies, have made terrorism a crime in their domestic law. He claims that such countries as the United States and the United Kingdom have made an effort to broaden the definition of terrorism “to criminalize a wider range of behaviors.”<sup>16</sup> This effort led to the legislation of a more expansive terrorism law and having a clear legal definition of terrorism both in the United States and the United Kingdom. According to James Beckman, the Patriot Act supersedes “hundreds of provisions and amended many federal statutes” regarding anti-terrorism.<sup>17</sup> He claims that the main goal of the law is to

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<sup>12</sup> Weinberg, *Democracy and Terrorism*, 11. See also, Alexander Aguirre, “The Philippine Response to Terrorism,” *Journal of Policing, Intelligence, and Counter-Terrorism* 4, no. 1 (August 2011): 10, DOI:10.1080/18335300.2009.9686923.

<sup>13</sup> Ibid., 47.

<sup>14</sup> Ibid., 10.

<sup>15</sup> Harmonie Toros and Luca Mavelli, “Terrorism, Organized Crime and the Biopolitics of Violence,” *Critical Studies on Terrorism* 6, no. 1 (April 5, 2013): 73–74, DOI:10.1080/17539153.2013.765701.

<sup>16</sup> Ibid., 11.

<sup>17</sup> James Beckman, *Comparative Legal Approaches to Homeland Security and Anti-Terrorism* (Aldershot, England; Burlington, VT: Ashgate Publishing, 2007), 27.

enhance the ability of federal law enforcement to counter terrorism. Beckman writes that the Patriot Act widens the definition of terrorism by including domestic terrorism as “prior to 2001, the U.S. law only defines acts of international terrorism.”<sup>18</sup>

The Philippine anti-terrorism law, the Republic Act 9372, otherwise known as the Human Security Act of 2007, defines terrorism by stating that anyone “sowing and creating a condition of widespread extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism.”<sup>19</sup> It outlines how terrorism is punishable under Philippine law, specifying that those convicted “shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.”<sup>20</sup>

Violations under the following provisions of the Revised Penal Code, Republic Acts and Presidential Decrees, constitute crimes of terrorism:

- a) Piracy and mutiny on the high seas or in Philippine waters (Art. 122)
- b) Rebellion or insurrection (Art. 134)
- c) Coup d'etat, including acts committed by private persons (Art.134-a)
- d) Murder (Article 248)
- e) Kidnapping and serious illegal detention (Article 267)
- f) Crimes involving destruction (Article 324)
- g) Law on arson (PD 1613)
- h) Toxic substances and hazardous nuclear waste (RA 6969)
- i) Atomic energy regulation and liability (RA 5207)
- j) Anti-hijacking law (RA 6235)
- k) Anti-piracy and anti-highway robbery law (PD 532)
- l) Laws on illegal and unlawful possession, acquisition, manufacture, dealing, or disposition of firearms, ammunition or explosives (PD 1866)<sup>21</sup>

Chester Cabalza, a professor at the National Defense College of the Philippines, argues that there is no clear definition of terrorism in the Human Security Act of 2007.

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<sup>18</sup> Beckman, *Comparative Legal Approaches to Homeland Security and Anti-Terrorism*, 27.

<sup>19</sup> “Human Security Act of 2007,” Congress of the Philippines, accessed August 15, 2016, <https://www.senate.gov.ph/republic Acts/ra%209372.pdf>.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

The legal definition as embodied in the law is vague and highly prone to abuse.<sup>22</sup> He claims that the Human Security Act “is one of the most incoherent, disorganized, and disjointed laws the Philippine congress has ever passed.”<sup>23</sup> He argues that the law has no clear standard objectives that will guide law enforcers; thus, it allows the law enforcers to have their own preference and interpretation of who are “engaged in terrorism or conspiracy to commit terrorism.”<sup>24</sup> Moreover, he notes, the crimes enumerated by the Human Security Act are already punishable under the Revised Penal Code of the Philippines.

On the other hand, creating normal criminal categories for terrorist activity has some real advantages in the Philippines, as elsewhere. According to Pauline E. Eadie, “practically and legally it is extremely difficult to differentiate between rebels, bandits, insurgents and kidnappers on the one hand and terrorists on the other. Consequently it may be pragmatic for the Philippines to prosecute offenders as criminals as opposed to terrorists.”<sup>25</sup>

While it can be useful to prosecute terrorist acts as crime, still terrorism should be understood as distinct. Paul Wilkinson argues that terrorism can be a “weapons system”<sup>26</sup> used effectively by various non-state groups, regimes, and governments.<sup>27</sup> Wilkinson emphasizes the idea that historically some governments and regimes used terror in a more brutal manner than non-state groups. States have more power and resources to implement their policies of terror to oppress and influence people for political ends.

Wilkinson claims that it is incorrect to say that terrorism is synonymous with insurgency or guerilla warfare, and there is no compelling pattern to suggest that

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<sup>22</sup> Chester B. Cabalza, “Deconstructing Human Security in the Philippines,” *Academia*, 4–5, accessed April 17, 2016, [https://www.academia.edu/2137055/Deconstructing\\_Human\\_Security\\_in\\_the\\_Philippines](https://www.academia.edu/2137055/Deconstructing_Human_Security_in_the_Philippines).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Pauline E. Eadie, “Legislating for Terrorism: The Philippines’ Human Security Act 2007,” *Journal of Terrorism Research* 2, no. 3 (November 11, 2011): 30, <http://jtr.st-andrews.ac.uk/articles/10.15664/jtr.226/#>.

<sup>26</sup> Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response* (Portland, OR: Frank Cass, 2001), 15.

<sup>27</sup> Ibid.

insurgency will evolve into a terrorist organization.<sup>28</sup> He argues that terrorism is a “special method” of armed struggle and that it is possible to use terror or violence against civilians or non-combatants without engaging in a full-blown insurgency.<sup>29</sup> Most insurgents believe that terrorism is just an auxiliary weapon, and any insurgency that relies solely on its effectiveness may ultimately prove counterproductive.<sup>30</sup>

However, Alexander Aguirre points out that to achieve political ends, terror can be used as a tactic in combination with guerilla and conventional warfare.<sup>31</sup> He argues that terrorism can be compatible with political movements, especially if these movements employ violence and terror as their main strategy or method to achieve their goals.<sup>32</sup> When this violence occurs, the international community can “tag rebels or insurgents as terrorists and criminals,” who must be condemned, confronted, and eradicated under the rules of law of civilized society.<sup>33</sup>

## 2. Terrorism and Crime

Tamara Makarenko illustrates the interaction—and interoperability—of crime and terror on a continuum in which, theoretically, crime and terror would converge at a central point.<sup>34</sup> The author argues that it is hard to distinguish between profit- and ideology-based organizations because they exist on the same plane in which collaboration between criminals and terrorists can occur easily.<sup>35</sup> Thus, the line that distinguishes politically and criminally motivated violence is becoming more blurred and complicated for policy makers and law enforcers alike to understand.

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<sup>28</sup> Wilkinson, *Terrorism Versus Democracy: The Liberal State Response*, 7.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 7–8.

<sup>31</sup> Alexander Aguirre, “The Philippine Response to Terrorism,” *Journal of Policing, Intelligence, and Counter-Terrorism* 4, no. 1 (August 3, 2011): 48, DOI:10.1080/18335300.2009.9686923.

<sup>32</sup> Ibid., 48.

<sup>33</sup> Ibid.

<sup>34</sup> Tamara Makarenko, “The Crime-Terror Continuum: Tracing the Interplay Between Transnational Organized Crime and Terrorism,” *Global Crime* 6, no. 1 (September 8, 2010): 130, DOI:10.1080/1744057042000297025.

<sup>35</sup> Ibid.

According to Makarenko, there are four distinct points on the continuum of crime and terror. The first point of cooperation between organized crime and terrorism is the alliance. In this point, criminals and terrorists collaborate to acquire crucial skills, knowledge, and support critical to each group's operational capabilities.<sup>36</sup> This relationship may exist for the short or long term as long as both of them mutually benefit from such collaboration.<sup>37</sup> (See Figure 1.)

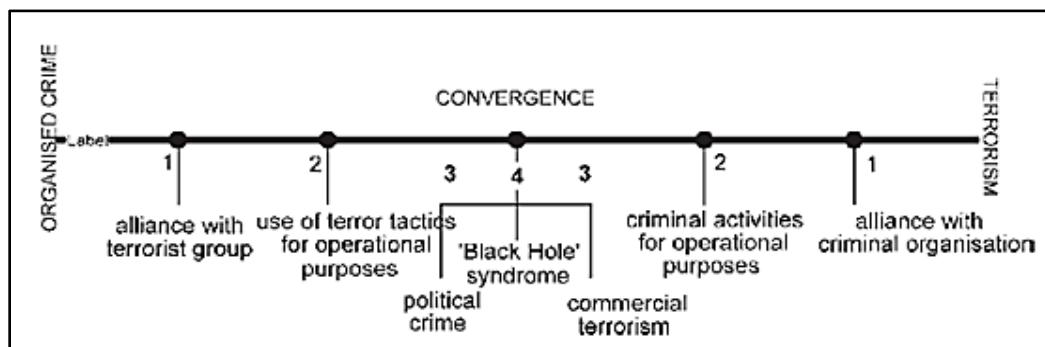


Figure 1. The Crime-Terror Continuum.<sup>38</sup>

On the second point, Makarenko asserts that the capacity of criminal and terrorist groups to employ both criminal and terror tactics for their operations constitutes the second component of the continuum.<sup>39</sup> Organized crime groups use terror tactics against rival groups, and they engage in terrorism to force the government into negotiation and compromise.<sup>40</sup> In the absence of foreign support, terrorist organizations tend to engage in illegal activities to support their operations and perhaps even the survival of the organization.<sup>41</sup> Significantly, organized crime and terrorist groups often revert to their traditional organization and structure, rather than cooperating with each other to avoid

<sup>36</sup> Makarenko, "The Crime-Terror Continuum," 131–132.

<sup>37</sup> Ibid., 130.

<sup>38</sup> Source: Makarenko, "The Crime-Terror Continuum," 131

<sup>39</sup> Makarenko, "The Crime-Terror Continuum," 133–134.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

inherent problems of security and other threats of close alliances.<sup>42</sup> Because members of criminal organizations are only motivated primarily by greed and personal gain, they tend to be weak and can be easily recruited by state security forces.

Convergence is the next point on the continuum. Makarenko's "convergent thesis" has both organized crime and terrorist groups becoming a unified entity, though they have the capacity to transform themselves into the opposite end of the continuum.<sup>43</sup> At this level, criminal and terrorist groups can be classified as "hybrids" with the capacity to shift into criminal or terroristic activities and forego their original aims and motivations.<sup>44</sup>

The fourth and final point is the "black hole."<sup>45</sup> This level thrives in weak or failed states in which criminal and terrorist organizations have converged, a safe environment for them to conduct unrestricted operations.<sup>46</sup> Two situations emerge amid the "black hole"<sup>47</sup> syndrome: first, primary motivations focus on criminal objectives; and second, a "black hole state"<sup>48</sup> emerges in which political and criminal hybrid organizations gain substantial political and economic control over a part of a territory or an entire country.<sup>49</sup>

Similarly, Helena Carrapico, Daniela Irrena, and Bill Tupman argue that terrorists and criminals tend to cooperate to enhance their capabilities and learn important skills from each other.<sup>50</sup> They assert that there are two debatable issues within academia with regard to the nexus of crime and terrorism. The first issue relates to the nature of "the

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<sup>42</sup> Makarenko, "The Crime-Terror Continuum," 135.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid., 138–139.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 138.

<sup>48</sup> Ibid., 139.

<sup>49</sup> Ibid.

<sup>50</sup> Helena Carrapico, Daniela Irrena, and Bill Tupman, "Transnational Organized Crime and Terrorism: Different Peas, Same Pod?" *Global Crime* 15, no. 3–4 (August 11, 2014): 213–215, DOI:10.1080/17440572.2014.939882.

crime-terror nexus.”<sup>51</sup> The authors claim that it is best explained by the concept of Makarenko’s crime-terror continuum. The second issue concerns the situation that allows proliferation of terror and crime alliances.<sup>52</sup> They argue that the existence of political and economic instability, armed conflict, and weak institutions provide a conducive environment for the terrorists and criminals to thrive and maintain strong strategic alliances.

Toros and Mavelli claim that there is an increased interest in understanding organized crime and how these illicit activities should be approached.<sup>53</sup> They point out that, like terrorism, organized crime is essentially difficult to define because most scholars rest on the “I know it when I see it” approach.<sup>54</sup> They support the argument that “terrorism is political violence” while organized crime is motivated by financial gains or lucrative aims.<sup>55</sup>

To understand terrorism and crime fully, Steven Hutchinson and Pat O’Malley provide a compelling discussion about the links between terror and crime.<sup>56</sup> They argue that there are some “predictors” regarding the types of criminal activity a terrorist group would engage in. Because of the terrorists’ political or ideological motivations, it is improbable that “organized crime and terrorist groups will foster a symbiotic cooperation.”<sup>57</sup> Although cooperation between terrorist and organized crime groups can be beneficial for both parties, this will not last in the long term because both organizations still want to maintain their respective operational security. Hutchinson and

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<sup>51</sup> Carrapico, Irrena, and Tupman, “Transnational Organized Crime and Terrorism: Different Peas, Same Pod?” 213–215.

<sup>52</sup> Ibid.

<sup>53</sup> Toros and Mavelli, “Terrorism, Organized Crime and the Biopolitics of Violence,” 73–74.

<sup>54</sup> Ibid., 73.

<sup>55</sup> Ibid., 74.

<sup>56</sup> Steven Hutchinson and Pat O’Malley, “A Crime-Terror Nexus? Thinking on Some of the Links between Terrorism and Criminality,” *Studies in Conflict and Terrorism* 30, no. 12 (October 26, 2007): 1096, DOI: 10.1080/10576100701670870.

<sup>57</sup> Ibid.

O’Malley claim that terrorist groups aim for publicity, which is totally opposite to some organized crime groups.<sup>58</sup>

Where does the ASG fall on the continuum? Santiago Ballina, in his article “The Crime-Terror Continuum Revisited: A Model for the Study of Hybrid Criminal Organizations,” applies Makarenko’s continuum to two case studies: La Familia Michoacana and the ASG.<sup>59</sup> Ballina claims that in the case of the evolution of the ASG, the key factor is internal in origin, tracing back to the cultural and social nature of the organization.<sup>60</sup>

To understand the ASG, Ballina suggests a careful analysis of the group’s social and cultural background, which encompasses the broader context of the Tausug tribe and other ethnic minorities in the southern Philippines.<sup>61</sup> According to Ballina, the strange characteristics of the ASG—“hybridity, fluid network configurations, and even the drive towards criminality”<sup>62</sup>—have been the result of the ASG’s unique cultural and social environment. With this, the author proposes that a three-dimensional model should be used because this model is a comprehensive analysis of clandestine organizations, comprised of ideology, profit, and social/cultural dimensions, which overlap with each other.<sup>63</sup> See Figure 2.

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<sup>58</sup> Hutchinson and O’Malley, “A Crime-Terror Nexus? Thinking on Some of the Links between Terrorism and Criminality,” 1100.

<sup>59</sup> Santiago Ballina, “The Crime-Terror Continuum Revisited: A Model for the Study of Hybrid Criminal Organisations,” *Journal of Policing, Intelligence and Counter Terrorism* 6, no. 2 (October 2011): 129–130, DOI: 10.1080/18335330.2011.605200.

<sup>60</sup> Ballina, “The Crime-Terror Continuum Revisited,” 129–130.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., 129.

<sup>63</sup> Ibid., 129–130.

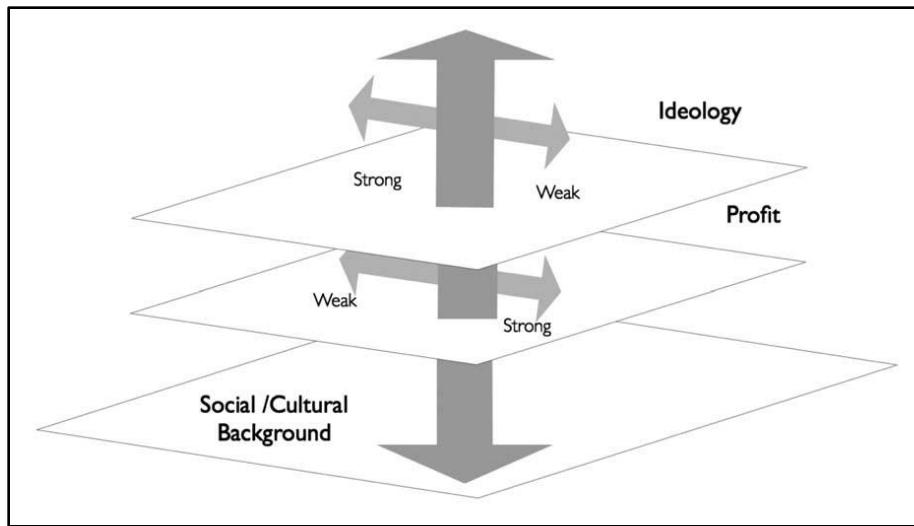


Figure 2. Ballina's Three Dimensional Model.<sup>64</sup>

Sam Mullins also argues that “terrorists and organized criminals share the same” or comparable systems of influence and organization, demonstrate the same type of behavior, and behave and interact with each other similarly.<sup>65</sup> In addition, Mullins claims that terrorists and criminals have performed the same activities to achieve their objectives; as such, criminal skills are essential for a terrorist to survive and perform his tasks successfully.<sup>66</sup> Mullins points out that crime and terrorism can be analyzed in three main dimensions: methods, motives, and profiles.<sup>67</sup> Using these dimensions, Mullins explicitly compares some similarities and differences in crime and terrorism. Mullins and Makarenko share the same idea about the methodological similarities between organized crime and terrorism. They argue that both crime and terrorism have used similar tactics and capabilities in terms of intelligence, counterintelligence, targeting techniques, employment of networks, and adopting a cellular-type structure.<sup>68</sup>

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<sup>64</sup> Source: Ballina, “The Crime-Terror Continuum Revisited,” 131.

<sup>65</sup> Sam Mullins, “Parallels Between Crime and Terrorism: A Social Psychological Perspective,” *Studies in Conflict and Terrorism* 32, no. 9 (August 27, 2009): 816, DOI: 10.1080/10576100903109776.

<sup>66</sup> Ibid., 814.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

Although O'Brien's work focuses on one case study, and specifically on kidnapping, he provides a decent explanation of the historical fluctuations between terrorism and criminal activities.<sup>69</sup> He shows that the ASG provides a glimpse of how crime and terrorism intersect. O'Brien also supplies other frames of analysis to clearly understand these connections.<sup>70</sup>

### **3. Financing Terror and Responses**

Any threat or nefarious organization around the world will not survive without money or sources of financing. Jennifer Hesterman claims that money and the source of financing are two crucial factors for any type of terrorist organization.<sup>71</sup> The uninterrupted flow of funds is critically important for the operations and other critical requirements of the organization.<sup>72</sup> Terrorist groups may use various methods to generate funds and acquire a steady flow of cash depending on the environment or country in which they operate. Groups can rely on the support of other states or engage in criminal activities domestically or through transnational crimes. In some cases, terrorist groups mask their financing by employing charitable organizations as conduits to receive donations from wealthy individuals sympathetic to their cause. This section highlights the arguments of Michael Freeman, Aurel Croissant, Daniel Barlow, and McKenzie O'Brien about financing terror. Freeman writes that every source of terrorist financing has its own distinct characteristics and is best explained by various criteria, while Croissant and Barlow argue about popular sources of financing terror and claim that every terror group has its own peculiarity when it comes to financing activities. On the other hand, O'Brien argues about the preferred methods of some terrorist organizations.

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<sup>69</sup> O'Brien, "Fluctuations Between Crime and Terror," 332.

<sup>70</sup> Ibid.

<sup>71</sup> Jennifer L. Hesterman, *The Terrorist-Criminal Nexus: An Alliance of International Drug Cartels, Organized Crime, and Terror Groups* (Boca Raton: Taylor & Francis, 2013), 4.

<sup>72</sup> Samuel A Smith, "Financing Terror, Part III: Kidnapping for Ransom in the Philippines," *Strife* (blog), January 26, 2015, <https://strifeblog.org/2015/01/26/financing-terror-part-iii-kidnapping-for-ransom-in-the-philippines/>.

According to O'Brien, kidnapping has become one of the preferred methods of terrorist groups around the world.<sup>73</sup> He points out that some rebel groups and other similar types of actors have engaged in this kind of criminal act to finance their organizational capabilities and operations. O'Brien's argument about kidnapping is based on one case study, which is the ASG. Other studies about financing sources also claim that kidnapping seems to be popular among terrorist groups, especially those who employ criminal methods to acquire funds for the organization.<sup>74</sup> Although Freeman does not specifically mention which method is most feasible for any terrorist organization, his theory of financing sources can provide a decent explanation why kidnapping has been one of the preferred means of financing terrorists.

Croissant and Barlow provide a “comparative study of ten nations in Southeast Asia” to show how financing of terror is being done by terrorist groups in the region, and they examine responses of these nations to combat terrorism financing.<sup>75</sup> They claim that financing activities of terrorist groups in the region have distinct identities from each other because each country has its own differences in terms of “nature, organization, motivations, and opportunities.”<sup>76</sup> Based on the analysis of Croissant and Barlow, there are three most popular sources of financing terror in Southeast Asia: criminal activities, charities, and commercial activities. Freeman writes that these sources of financing can be categorized into four: “state sponsorship, illegal activities, legal activities, and popular support.”<sup>77</sup> The general categories endorsed by Freeman are similar to the sources of terrorism financing claimed by Croissant and Barlow. They believe that criminal or illegal activities remain one of the critical sources of funds for a terrorist group. Basically, Freeman, Croissant, and Barlow have the same argument regarding the sources

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<sup>73</sup> O'Brien, “Fluctuations Between Crime and Terror,” 320.

<sup>74</sup> Daljit Singh, “Trends in Terrorism in Southeast Asia,” in *Terrorism in South and Southeast Asia in the Coming Decade*, ed. Daljit Singh (Singapore: Institute of Southeast Asian Studies in association with Macmillan, 2009), 102–103.

<sup>75</sup> Aurel Croissant and Daniel Barlow, “Following the Money Trail: Terrorist Financing and Government Responses in Southeast Asia,” *Studies in Conflict and Terrorism* 30, no. 2 (February 24, 2007): 135, DOI: 10.1080/10576100600959721.

<sup>76</sup> Ibid.

<sup>77</sup> Michael Freeman, “The Sources of Terrorist Financing: Theory and Typology,” *Studies in Conflict and Terrorism* 34, no. 6 (May 20, 2011): 465, DOI: 10.1080/1057610X.2011.571193.

of terrorism financing, but Croissant and Barlow provide more detailed discussion about state responses to counter terrorism financing. They argue that to counter terrorism financing, Southeast Asian countries' responses fall under four different dimensions: "legal framework, administrative framework, variety of approaches, and evidence of enforcement."<sup>78</sup>

In "The Sources of Terrorist Financing: Theory and Typology," Freeman argues that every terrorist organization has its own distinct method of financing sources; thus, he asserts that no single strategy can be applied to address the sources of financing.<sup>79</sup> All countermeasures must be tailored to fit against a specific group and its method of financing.<sup>80</sup> He claims that terrorists can always adapt to any kind of situation, and they can innovate and find other ways of financing. Freeman explores the primary reasons why terrorists have varying preferences about the sources of their financing.<sup>81</sup> He argues that from the terrorist organization's perspective, "there is no perfect source; each has advantages and disadvantages across the following six criteria: quantity, legitimacy, security, reliability, control, and simplicity."<sup>82</sup> He points out that although much has been written about terrorist financing, most research only focuses on some specific case studies of terrorist organizations or just discusses viable solutions to disrupt their financing. None of these studies address the critical question of why terrorist groups' preferences vary as much as they do. Additionally, how do these organizations decide and consider which source of financing seems more feasible and attractive than others?

Freeman explains the "six criteria" that can be used "across a typology of four previously mentioned primary types of terrorist financing: state sponsorship, illegal activity, legal activity, and popular support."<sup>83</sup> He explains that the first criterion is quantity, which simply means that a particular terrorist group becomes more effective

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<sup>78</sup> Croissant and Barlow, "Following the Money Trail: Terrorist Financing and Government Responses in Southeast Asia," 139.

<sup>79</sup> Freeman, "The Sources of Terrorist Financing: Theory and Typology," 463.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

and stronger as it gains more resources. Terrorists always choose an option that brings more money for the organization. With more funds, they have more flexibility to conduct attacks, recruit more members, and protect themselves against state security forces. Additionally, these groups also use some of their funds to help the communities where they operate, while in return receiving protection and crucial intelligence from the populace.<sup>84</sup>

The second criterion is legitimacy, which is very important for a terrorist group. This criterion must be established and justified from the very start in order for the terrorist organization to sustain its existence, win the support of the people, and attract more members to join the struggle.<sup>85</sup> Legitimacy of the terrorist group's strategies and tactics are equally important to gain popular support. Freeman claims that there are several ways in which tactical decisions about financial sources affect the legitimacy of the group.<sup>86</sup> He mentions that one of these is avoiding illegitimate methods of acquiring funds, which can be counterproductive for the whole organization. Funds coming from a "broad support base" have been a good indicator of legitimacy. If members of the terrorist groups are utilizing funds for personal gains or engaging in corruption, it would undermine their legitimacy. In some cases, terrorists must seek financing sources that demonstrate and support their legitimacy, and they depart from corrupt practices within the organization.<sup>87</sup>

Security, as the third criterion, pertains to the capacity of any terrorist organization to operate clandestinely and avoid efforts of state security forces to acquire crucial information and infiltrate the organization. Thus, a terrorist group has to choose a source of financing that will not compromise the security of the organization. Collaborating with organized crime groups not only draws unwanted attention from law enforcers and other counterterrorism units, it also creates a weak point where state forces

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<sup>84</sup> Freeman, "The Sources of Terrorist Financing: Theory and Typology," 463.

<sup>85</sup> Ibid., 463–465.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

can infiltrate a terrorist organization.<sup>88</sup> Most members of criminal organizations are easily turned because they have no strong convictions or ideology and are motivated by their personal interest and greed for money.<sup>89</sup>

Reliability of financing sources is also important for the terrorist organization and is the fifth criterion. It means that the sources of financing are foreseeable and steady. Freeman claims that these features of financing “often depend on factors of geography and demographics.”<sup>90</sup> For instance, in the case of the Kurdistan Workers’ Party (PKK), in order to have a steady and reliable flow of revenue from drug trafficking, the group must be strategically situated near the trafficking route, or they must have access to the majority of the population who are drug users. This concept also applies to the FARC and the Taliban in connection with their drug smuggling activities.<sup>91</sup>

The sixth criterion is control. Sources of financing can have an influence on the way a terrorist organization controls its members and operations. As Freeman argues, “money is often associated with influence and power.”<sup>92</sup> He points out that if cell leaders of small units are allowed to make decisions regarding their own financing sources, senior leaders lose their command and control of the lower units. Thus, decentralization of fund management in an organization may result in less control over lower units, and lower units may commit acts not in line with the organization’s objectives. Some terrorist groups do not want to be indebted from the support of other states or private sponsors because these sponsors tend to influence their operations and influence them to do acts that are counterproductive or totally irrelevant to their cause.<sup>93</sup> The last criterion is simplicity. It means that it is valuable to do something as simple as possible in terms of financing sources. Terrorist groups choose to employ methods that require unsophisticated skills and little effort but may result in gaining a steady flow of funds. It

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<sup>88</sup> Freeman, “The Sources of Terrorist Financing: Theory and Typology,” 463–465.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid., 465.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

is also important that the methods must incur lesser cost and be more desirable than other means.<sup>94</sup> Freeman asserts that although terrorist groups have proven flexible and can find new ways of financing terror, several sources of financing have inherent weaknesses.<sup>95</sup> One of the countermeasures that he suggests is enhancement of states' police and intelligence agencies' capabilities and an active legal approach to put more pressure on terrorist groups.

#### **4. Approaches to Counterterrorism**

A multicultural study of various approaches to counter-terrorism provides significant lessons from each country's successes and failures. The problem is that terrorism is multi-faceted and complex; thus, it also requires a multi-pronged approach. According to Maria Ressa, to address the root causes of the problems, all agencies and their leaders must depart from destructive behavior of internal rivalries and patronage politics of the organizations and institutions they belong to.<sup>96</sup> The following sub-section will examine the various approaches and responses to counter terrorism in the United States, the United Kingdom, Israel, and Southeast Asian countries. Their respective experiences provide a model that integrates several approaches to combat international or domestic terrorist groups, of which some fluctuate from terrorism to organized crime to sustain their operations.

##### **a. The U.S. Approach**

The U.S. approach is to continue working in collaboration with other countries in order to counter terrorism globally. The main emphasis is to use force to destroy and disrupt Al-Qaeda and its affiliates. Regimes that sponsor terrorists or provide safe-haven, such as the Taliban in Afghanistan, will be compelled to cease sponsoring terrorism or will be toppled if they persist in being uncooperative.<sup>97</sup> This effort will leverage the

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<sup>94</sup> Freeman, "The Sources of Terrorist Financing: Theory and Typology," 465.

<sup>95</sup> Ibid.

<sup>96</sup> Maria Ressa, *Seeds of Terror: An Eyewitness Account of Al Qaeda's Newest Center of Operations in Southeast Asia* (New York: Free Press Simon and Schuster Inc., 2003), 26.

<sup>97</sup> Dan Byman, "Fighting the War on Terrorism: A Better Approach," in *How to Make America Safe: New Policies for National Security*, ed. Stephen Van Evera (Cambridge, MA: The Tobin Project, 2006), 69.

common understanding and goals to enhance each other's capabilities and work together to have an integrated approach to counterterrorism.

The United States assists its allies to improve and expand governance and collaborate with other partners to degrade the capabilities of terrorist organizations locally and globally.<sup>98</sup> *The National Strategy for Counterterrorism* of 2011 has four important principles that guide the U.S. approach to terrorism and the Global War on Terror. These are "adhering to U.S. Core Values," "building security partnerships," "applying CT tools and capabilities appropriately," and "building a culture of resilience."<sup>99</sup> The United States upholds these core values because they enhance the security of the nation and protect citizens against acts of terror. Additionally, these core values aim to achieve the following: "respect human rights, foster good governance, respect privacy and civil liberties, commit to security and transparency, and uphold the rules of law."<sup>100</sup> This strategy promotes strong and lasting collaborative partnerships with allied countries to eliminate and dismantle terrorist organizations and actively engage in counterterrorist activities that include intelligence sharing and joint training and operations. It also adopts active cooperation to counter violent extremism through appropriate community-based resilience programs.<sup>101</sup>

Daniel Byman claims that the military approach is crucial to counterterrorism.<sup>102</sup> He argues that the primary role of the military is to defeat the enemies by force and to provide counterinsurgency or counterterrorism training to the allies. Dunn and Hassan criticize Bush's counterterrorism strategy in Afghanistan, asserting that it lacked "political context" and was naïve.<sup>103</sup> This strategy focuses on a model of traditional

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<sup>98</sup> "The National Strategy for Counterterrorism," 6–9, The White House, [https://www.whitehouse.gov/sites/default/files/counterterrorism\\_strategy.pdf](https://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf).

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Daniel Byman, *The Five Front War: The Better Way to Fight Global Jihad* (New Jersey: John Wiley & Sons, 2008), 3.

<sup>103</sup> David Hastings Dunn and Oz Hassan, "Strategic Confusion: America's Conflicting Strategies and the War on Terrorism," in *International Terrorism Post 9/11: Comparative Dynamics and Responses*, ed. Asaf Siniver (NY: Routledge, 2012), 62.

counterterrorism response, which is employing a military approach to change the existing regime in Afghanistan.<sup>104</sup> According to these authors, the United States did not address or identify the root causes of the problems. Either way, the military approach in Afghanistan appears to be ineffective. Focused military operations destroyed the capacity of the Taliban regime to sponsor terrorism and to be used as training ground of Al Qaeda.

***b. The British Approach***

Some countries use a holistic and comprehensive approach to counter-terrorism in which their response to the threat is through various measures and integration of all efforts of government institutions and agencies. David Bonner describes the United Kingdom's holistic and comprehensive approach to counterterrorism by adopting appropriate measures to combat the threat particularly with respect to legal, economic, and political aspects.<sup>105</sup> The response of the United Kingdom also involved strengthening bilateral and multi-lateral engagements with other nations, especially with the United States and the Republic of Ireland.<sup>106</sup> Enhancement of the military and police intelligence and security of vital government installations were initiated as part of the military and police measures.<sup>107</sup>

Byman writes that intelligence is one of the five fronts in counterterrorism, and he emphasizes the significance of close collaboration and cooperation with allies and other partners.<sup>108</sup> Benjamin Netanyahu claims that one of the central problems in counterterrorism is the reluctance of the security services of one country to share information with other foreign services.<sup>109</sup> The British approach also adopts the effectiveness to counterterrorism of enhanced intelligence cooperation and collaboration.

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<sup>104</sup> Dunn and Hassan, “Strategic Confusion: America’s Conflicting Strategies and the War on Terrorism,” 60.

<sup>105</sup> David Bonner, “United Kingdom: The United Kingdom Response to Terrorism,” *Terrorism and Political Violence* 4, no. 4 (December 21, 2007): 179–191, DOI: 10.1080/09546559208427180.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Byman, *The Five Front War: The Better Way to Fight Global Jihad*, 3.

<sup>109</sup> Benjamin Netanyahu, *Fighting Terrorism: How Democracies Can Defeat the International Terrorist Network* (New York: Farrar, Straus and Giroux Press, 2001), 138.

Establishing relationships and working closely with domestic and foreign counterparts helps “to predict, prevent, deter, and suppress acts of terrorism” and neutralize the threat groups.<sup>110</sup> Cooperation and collaboration unite all efforts of those who are involved in the fight against terrorism. Enhancing bilateral and multi-lateral engagement strengthens border controls and sharing of intelligence.<sup>111</sup> It helps in securing quality and essential information through regular intelligence exchange and conference between countries.<sup>112</sup>

Since World War II, British military intelligence has been conducting joint intelligence operations among the tri-service. Several branches make up the British military intelligence. The British Army is the only service with an Intelligence Corps.<sup>113</sup> The Royal Navy and the Royal Air Force also have their own intelligence capabilities and assets to support the requirements of the British Army.<sup>114</sup> In addition to this, military intelligence works closely with other secret services such as the Security Service (MI5), the Secret Intelligence Service (MI6), and the Signal Intelligence Service.<sup>115</sup> In terms of counterterrorism, the military has only a supporting role in which they provide crucial intelligence to support other law enforcement agencies. In the British case, the collaboration of various government agencies is how they synchronized their efforts in line with their main strategy of “the four Ps: pursue, prevent, protect, and prepare.”<sup>116</sup>

### *c. The Israeli Approach*

The Israeli approach relies on a war-fighting model that assumes “terrorism is an act of war.”<sup>117</sup> As such, its approach responds aggressively through intelligence-driven

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<sup>110</sup> Aguirre, “The Philippine Response to Terrorism,” 54–55.

<sup>111</sup> Andrew T.H. Tan, “Counter-Terrorism in Southeast Asia Post-9/11,” in *International Terrorism Post 9/11: Comparative Dynamics and Responses*, ed. Asaf Siniver (NY: Routledge, 2012), 216.

<sup>112</sup> Ibid.

<sup>113</sup> Graham Messervy-Whiting, “British Armed Forces and European Union Perspectives on Countering Terrorism,” in *International Terrorism Post 9/11: Comparative Dynamics and Responses*, ed. Asaf Siniver (NY: Routledge, 2012), 101.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid., 102.

<sup>116</sup> Ibid., 106.

<sup>117</sup> Ami Pedahzur and Arie Perliger, “The Consequences of Counterterrorist Policies in Israel,” in *The Consequences of Counterterrorism*, ed. Martha Crenshaw (Russel Sage Foundation: 2010), 338.

military operations.<sup>118</sup> Clive Jones argues that Israel adopted a war-fighting model of counterterrorism against the threat posed by the al-Aqsa Intifada, which led to the resurgence of terrorist attacks. This outbreak resulted in the deaths of hundreds of innocent Israeli civilians.<sup>119</sup> From 2000 to 2005, around 1,030 Israelis were killed by this violence related to the al-Aqsa Intifada.<sup>120</sup> The Israeli government responded with a type of excessive military force, which they believed was most efficient and effective: the targeted killing operations.<sup>121</sup> This method employed the accurate launching of missiles from fighter jets and helicopter gunships, use of explosive devices, or use of snipers.<sup>122</sup>

Notably, targeted killings, as a military approach, led to the killing of senior leaders and other key personalities. Although this method has moral concerns and could instigate harsh retaliation from the terrorists, it disrupted the enemy's plan and damaged their capability to conduct further attacks.<sup>123</sup> Despite the brutality of this method, it received "wide public support in Israel."<sup>124</sup>

In "A High Price: The Triumphs and Failures of Israeli Counterterrorism," Daniel Byman argues that the Israeli Intelligence Service has been admired for their "efficiency, skill, and seeming omniscience."<sup>125</sup> Although there are cases of bungled intelligence operations, they still did an impressive job of recruiting reliable informants and acquiring quality information against their target organizations. They also value the importance of sharing information and collaboration with other agencies, especially with the police and Israeli Defense Force (IDF).<sup>126</sup>

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<sup>118</sup> Pedahzur and Perlinger, "The Consequences of Counterterrorist Policies in Israel," 338.

<sup>119</sup> Clive Jones, "Israel and the Al-Aqsa Intifada: The Conceptzia of Terror," in *International Terrorism Post 9/11: Comparative Dynamics and Responses*, ed. Asaf Siniver (NY: Routledge, 2012), 126.

<sup>120</sup> Jones, "Israel and the Al-Aqsa Intifada: The Conceptzia of Terror," 129.

<sup>121</sup> Ibid., 133.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid., 134.

<sup>124</sup> Ibid.

<sup>125</sup> Daniel Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (NY: Oxford University Press, 2011), 370–371.

<sup>126</sup> Ibid.

Just like any country with serious concerns about terrorism, Byman claims, Israel is also affected by terrorism's psychological power.<sup>127</sup> Many Israelis alter the basic pattern of their daily lives, which may mean not using the bus or going out to eat or shopping at malls.<sup>128</sup> Terror attacks, especially against innocent civilians, undermine the credibility and capacity of the government to ensure peace and security and to protect its citizens. Despite widespread terrorist attacks, Israelis remain confident in the capabilities of their government to counter the threat of terrorism.<sup>129</sup> With this kind of popular support, the Israeli government involves the people in active and passive measures and encourages active participation of the community to join the fight in order to conquer their fear.<sup>130</sup>

***d. The Southeast Asian Approach***

Andrew Tan claims that Southeast Asian countries adopted holistic and comprehensive approaches and strategies to counterterrorism because the threat of terrorism in this region was multifaceted and emerged from a long history of self-determination.<sup>131</sup> He claims that Singapore, Malaysia, Thailand, Indonesia, and the Philippines reap the benefits of bilateral and multilateral cooperation to strengthen political, economic, and security cooperation.<sup>132</sup> For instance, after the 9/11 attacks, ASEAN countries issued a joint resolution in support of the UNSC Resolutions condemning terrorism and enhanced security and economic cooperation to combat the threat.<sup>133</sup> Countries like Malaysia, Indonesia, and the Philippines signed a counter-terrorism treaty to strengthen border security and sharing of vital information in terms of border controls.<sup>134</sup>

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<sup>127</sup> Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism*, 372–373.

<sup>128</sup> Ibid., 370–371.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Tan, “Counter-Terrorism in Southeast Asia Post-9/11,” 207.

<sup>132</sup> Ibid., 216.

<sup>133</sup> Ibid., 215.

<sup>134</sup> Ibid., 216.

In his book, *The British War on Terror*, Steve Hewitt claims that there are short-and long-term solutions to any violence posed by terrorism.<sup>135</sup> He points out that long-term solutions require bigger involvement of the government to provide comprehensive solutions to the root causes of the problem.<sup>136</sup> Some Southeast Asian countries have employed the military approach, but they complement it with a comprehensive strategy, which involves political, economic, and social instruments to win the hearts and minds of the people.<sup>137</sup>

According to Alexander Aguirre, the Philippine approach to terrorism is both offensive and defensive.<sup>138</sup> He claims that to confront the threat posed by the terrorist groups, it is imperative to engage concerned agencies in order to address the political and socio-economic problems of affected areas where terrorism thrives. He suggests that a comprehensive response to terrorism should be an integration of efforts from all government agencies and institutions, and it must strengthen bilateral and multi-lateral cooperation with other countries to effectively address the underlying causes that breed terrorism and radical ideas. He claims that this response has the following features:

- The strategy adopted is holistic or comprehensive, that is, to fight the armed component of terrorism, as well as address the underlying conditions that breed it;
- All departments and agencies, including local government units, have been tasked and given a role in fighting terrorism, within their respective areas of competence;
- The response covers all the phases of the development of terrorist acts (before the attack, during the attack and after the attack), with the corresponding countermeasures, namely: the proactive phase (prediction, prevention, and preparation), the reactive phase (counter-terrorism actions), and the post conflict or consequence management phase;

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<sup>135</sup> Steve Hewitt, *The British War on Terror: Terrorism and Counter-Terrorism on the Home Front Since 9/11* (London: Continuum International, 2008), 120.

<sup>136</sup> Ibid., 123.

<sup>137</sup> Tan, “Counter-Terrorism in Southeast Asia Post-9/11,” 220.

<sup>138</sup> Aguirre, “The Philippine Response to Terrorism,” 51.

- The response also includes close coordination and cooperation with the international community in fighting terrorism.<sup>139</sup>

According to Eusaquito Manalo, the Philippine response to terrorism “remains reactive, rather than decisive and strategic.”<sup>140</sup> He argues that terrorism should not be confronted by a military solution alone or employ a war-fighting model to counter the threat posed by the terrorist groups. Manalo asserts that the problem of terrorism in the Philippines requires effective police measures since basically it is a problem of law and order.<sup>141</sup> He points out that the successful linkages and alliances between local and foreign terrorist organizations and other lawless elements in Mindanao can be the results of the government’s incomplete strategy and lack of complete understanding of the root causes of the problems.

#### **D. POTENTIAL EXPLANATIONS AND HYPOTHESES**

Using Makarenko’s crime-terror continuum, I argue that the ASG is a hybrid organization that has the ability to transform either into a criminal or terrorist group. Criminal methods are very crucial for the group’s survival and operational capabilities. On the other hand, terrorist tactics are important for ASG’s criminal activities. I also hypothesize that this group’s criminal activities, especially kidnapping, transformed it into an organized crime group whose main motivation is financial gain. As a hybrid organization, the ASG will show characteristics of crime and terrorism. When this group shifts temporarily into criminal organization, its focus will be on crime at the expense of ideology or religion. The ASG’s transition to criminality could end its terrorism.

#### **E. RESEARCH DESIGN**

This paper presents a single case study of the ASG’s terrorist and criminal activities in the southern part of the Philippines, though some of the group’s terrorism

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<sup>139</sup> Aguirre, “The Philippine Response to Terrorism,” 51.

<sup>140</sup> Eusaquito P. Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group” (master’s thesis, Naval Postgraduate School, Monterey, California, December 2004), 73–74, <http://calhoun.nps.edu/handle/10945/1218>.

<sup>141</sup> Ibid.

and illicit activities in central Mindanao will be also addressed to support the analysis of its networks and capabilities.

I will investigate how the ASG evolved from an ethno-religious or ethno-nationalist organization with terroristic tactics into an organized crime group. I will explore the compelling reasons why the ASG seems to be effective despite intense government military effort to defeat them. Finally, this study will analyze the implication and impact of downgrading this group into an organized crime group with regard to the Philippines' current counterterrorism strategy as embodied in the AFP's Internal Peace and Security Plan "Bayanihan."

This thesis aims to incorporate a broad mix of scholarly articles, as well as relevant documents from the Department of National Defense and Armed Forces of the Philippines. Some significant studies and reports about the ASG's terroristic and criminal activities will be used as sources of accurate data regarding the trend and extent of their violence and crimes. Some online sources will also be used since this medium provides informative reports and documents about the criminal activities of the ASG.

#### **F. THESIS OVERVIEW AND DRAFT CHAPTER OUTLINE**

The first chapter of this thesis provides a brief background, including the definitions of terrorism, the crime-terror continuum, the ASG, and the holistic and comprehensive approach to counter-terrorism. This chapter will consist of the following sub-topics: major research questions, literature review, significance and goal of the study, potential explanations and hypothesis, research design and sources, and thesis overview.

Chapter II presents the history and relevant background of the ASG. This chapter explains the ideology and leadership of the group. It also discusses the strength and capabilities of the group and explores the compelling factors why they evolved from an Islamic movement in the early 1990s into a terrorist group and then became a bandit group.

Chapter III explains one by one the various points of Makarenko's CTC and plots the ASG on the continuum. It will discuss definitions of organized crime and its

similarities and differences with terrorism. This chapter also presents an analysis of the ASG's resilience.

Chapter IV discusses the kidnapping activities of the ASG. Although this group has also been engaging in other criminal activities, the kidnap-for-ransom scheme is the most prominent and preferred method to amass millions of pesos. These illicit activities enable the group to procure powerful weapons and other essential equipment that boost its operational capabilities to confront government forces in the area. It will examine ASG's motivations and factors that contributed to the relentless kidnappings in Zamboanga peninsula and provinces of Basilan and Sulu.

Chapter V highlights the Philippine government's strategy and approach in counter-terrorism. This chapter will examine the past and current counter-terrorism policy, inter-agency coordination, and joint intelligence cooperation in the Philippine bureaucracy. It is also important to consider the significant role played by the Armed Forces of the Philippines to counter terrorism.

Finally, Chapter VI presents a conclusion and recommended solutions to combat the nexus of terrorism and crime—the hybrid organization.

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## II. CASE STUDY: THE ABU SAYYAF GROUP

On September 21, 2015, three foreign nationals and one Filipino were abducted from Samal Island, an island resort in Davao del Norte in the eastern part of Mindanao. The kidnap victims were John Ridsdel and Robert Hall, both Canadian; Kjartan Sekkingstad, a Norwegian; and Marites Flor, a Filipina.<sup>142</sup> The four were staying at the Holiday Oceanview Samal Resort, where armed men abducted them using two motorized boats. After six months, the ASG posted a video clip on the Internet, showing the four kidnap victims pleading for their lives with armed men standing in the background.<sup>143</sup>

According to the statement of John Ridsdel in a video clip posted in November 2015, the ASG wanted US\$21 million for each of the abductees as ransom.<sup>144</sup> Around the first week of April, the ASG demanded a ransom of PHP300 million (US\$6.3 million) for each kidnap victim to be paid on April 25—and threatened to kill the victims if no payment was made.<sup>145</sup> On April 25, 2016, the ASG beheaded John Ridsdel; his severed head was recovered along the street of the municipality of Jolo, Sulu. Around the second week of June, Robert Hall was beheaded by the ASG, while Kjartan Sekkingstad was freed last September. A certain Abu Ramie, an alleged ASG spokesperson, claimed that they released Sekkingstad in exchange for a PHP30 million ransom payment.<sup>146</sup> On June

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<sup>142</sup> “3 Foreigners, Filipina Kidnapped on Samal Island.” *CNN Philippines*, September 25, 2015, <http://cnnphilippines.com/regional/2015/09/22/3-foreigners-Filipina-kidnapped-Samal-Davao-del-Norte.html>.

<sup>143</sup> “Hostages Plead for Their Lives in Abu Sayyaf Ransom Video,” *Daily Mail*, November 1, 2016, <http://www.dailymail.co.uk/video/news/video-1220989/Hostages-plead-lives-Abu-Sayyaf-ransom-video.html>.

<sup>144</sup> “‘They Will Execute Us’; Kidnapped Canadians Held by Philippine Militants Appeal for Help,” *LFP Press*, March 10, 2016, <http://www.lfpress.com/2016/03/10/they-will-execute-us-kidnapped-canadians-held-by-philippine-militants-appeal-for-help>.

<sup>145</sup> Julie Alipala, “Head of ‘Abu Sayyaf Captive’ Dumped on Sulu Street – Police,” *Philippine Daily Inquirer*, April 25, 2016, <http://globalnation.inquirer.net/138928/head-of-abu-sayyaf-captive-dumped-on-sulu-street-police#ixzz478SrHGGn>.

<sup>146</sup> Julie Alipala, “Abu Sayyaf Releases Norwegian Hostage,” *Philippine Daily Inquirer*, September 17, 2016, <http://globalnation.inquirer.net/145010/abu-sayyaf-releases-norwegian-hostage>.

24, 2016, Marites Flor was released by the ASG. She was left in front of the residence of Sulu Governor Abdusakur Tan II.<sup>147</sup>

Even more recently, a series of kidnapping incidents occurred along the border in the south between the Philippines, Malaysia, and Indonesia. On March 29, 2016, 10 Indonesian sailors were abducted in the waters off the southern Philippines.<sup>148</sup> The ASG demanded a PHP50 million ransom for the release of these hostages.<sup>149</sup> On May 1, 2016, the 10 Indonesian sailors were freed in Jolo, Sulu, dropped by unidentified men in front of the house of Sulu Governor Abdusakur Tan, Jr. The Indonesian employer of these tugboat crews allegedly paid a PHP50 million ransom to the ASG.<sup>150</sup>

Similarly, on April 1, 2016, four Malaysian sailors were snatched along the territorial waters of Sempornah, Sabah, Malaysia.<sup>151</sup> The ASG demanded RM30 Million (US\$10 million) as ransom for the release of the sailors.<sup>152</sup> On June 8, 2016, the captives were released by the ASG, but there was no confirmation from either the Philippine or the Malaysian government that any ransom was paid for their release.<sup>153</sup>

The funds obtained from the ASG's illicit activities were used for the procurement of powerful weapons and other essential equipment, which enhanced its operational capabilities. It is also important to note that this group had intensified kidnapping activities by operating beyond its traditional area of operations and staged daring and successful cross-border kidnappings. Ransoming hostages is significantly important for the ASG as a source of financing.

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<sup>147</sup> Elmor P. Santos, "Freed ASG Hostage Marites Flor: We Were Treated Like Dogs," *CNN Philippines*, June 25, 2016, <http://cnnphilippines.com/news/2016/06/24/Abu-Sayyaf-hostage-Marites-Flor-recounts-captivity.html>.

<sup>148</sup> Alipala, "Abu Sayyaf Releases Norwegian Hostage," *Philippine Daily Inquirer*.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Roel Pareno, "4 Indonesian Crew Members Kidnapped," *The Philippine Star*, April 16, 2016, <http://www.philstar.com/headlines/2016/04/16/1573493/4-indonesian-crew-members-kidnapped>.

<sup>152</sup> "4 Malaysians Released by Abu Sayyaf: Philippine Military," *Channel News Asia*, June 8, 2016, <http://www.channelnewsasia.com/news/asiapacific/4-malaysians-released-by/2854376.html>.

<sup>153</sup> "Abu Sayyaf Frees 4 Malaysian Sailors It Kidnapped in April: Philippine Military," *The Star Online*, June 8, 2016, <http://www.thestar.com.my/news/nation/2016/06/08/philippine-military-confirms-sarawakians-released/>.

This chapter highlights the historical background of the ASG to include its ideology, leadership, organization, strength, and capabilities. It also explains the ASG’s employment of terrorism and crime to attain its objectives. This chapter argues that the ASG has become a hybrid organization that is fluctuating between terrorism and crime, depending on the prevailing situation on the ground. Although this group has been officially labeled as a terrorist organization in the Philippines and listed as a foreign terrorist organization by the U.S. Department of State, it has been shifting from terrorism to organized crime because of the personal interests of its sub-commanders and members. Furthermore, it has become a stronger and more lethal terrorist organization by employing criminal tactics for its terroristic activities.

#### **A. HISTORICAL BACKGROUND OF THE ABU SAYYAF GROUP**

In the middle-1970s, Islamic fundamentalism started to grow in the Philippines. Through scholarship grants from groups in the Middle East—particularly in Libya, Iraq, and Saudi Arabia—this idea spread to Filipino Muslims. Several clerics in Central and Western Mindanao availed themselves of these grants. After years of studies, they returned to the Philippines and organized a group aimed at propagating radical Islam.<sup>154</sup>

Two such students—the late Ustadz Abdurajak Abubakar Janjalani and Wahab Akbar—earned their master’s degrees in Egypt and Syria, respectively. When they returned to the Philippines, the two joined the Muslim fundamentalist movement, *Al Islamic Tabligh*, which had been active in their home province of Basilan.<sup>155</sup> Although there was no concrete evidence to substantiate Janjalani’s activities and movements in the Middle East, many believed that he travelled to different Muslim countries and met influential Muslim scholars and Imams, which greatly influenced him about radical Islamic teachings and thought. In 1988, he “went to Pakistan, where he studied the

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<sup>154</sup> “Handout on the Abu Sayyaf Group,” Combat Arms School, Training and Doctrine Command, Philippine Army, 2007.

<sup>155</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 31.

Islamic revolution in Iran.”<sup>156</sup> While in Pakistan, “he reportedly met and befriended Osama Bin Laden,” who helped him organize the ASG.<sup>157</sup>

Janjalani, a former mujahideen in the Afghanistan war, founded the ASG in the early 1990s. Janjalani was greatly influenced by the teachings of Abdul Rasul Sayyaf, an Afghan resistance leader and Islamic professor, about Wahhabi theology. This knowledge led Janjalani to the concept of an Islamic state; thus, he formed an Islamic movement whose aim was to form an Islamic state in Mindanao.<sup>158</sup> This movement grew in popularity and became known as the Abu Sayyaf Group, so named to honor his mentor. Many scholars mistranslated ASG to mean “Bearer of the Sword,” but “Abu Sayyaf” really means in Arabic, “Father of the Swordsman.”<sup>159</sup>

To get financial support from other terrorist groups in the Middle East, Janjalani temporarily renamed the group as *Al-Harakatul Al-Islamiyah*<sup>160</sup> (AHAI) in 1994 to emphasize the group’s original vision, which is to establish a “highly organized, systematic, and disciplined” organization of Islamic fighters.<sup>161</sup> It is also believed that the International Islamic Relief Organization<sup>162</sup> (IIRO) had provided financial support to the AHAI.<sup>163</sup> The ASG established associations with Al Qaeda in the 1990s when Janjalani

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<sup>156</sup> Rommel Banlaoi, *Al-Harakatul Al-Islamiyah: Essays on the Abu Sayyaf Group*, 3rd ed. (Quezon City: Philippine Institute for Peace, Violence, and Terrorism Research, 2012), 52–53.

<sup>157</sup> Ibid.

<sup>158</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 15.

<sup>159</sup> Garret Atkinson, “ASG: The Father of the Swordsman,” American Security Project, March 2012, 1, <https://www.americansecurityproject.org/wp-content/uploads/2012/03/Abu-Sayyaf-The-Father-of-the-Swordsman.pdf>.

<sup>160</sup> *Al Harakatul Al Islamiyah*—Founded by Abdurajak Janjalani in 1993 as an Islamic Movement when he and his other followers officially decided to break away from the Moro National Liberation Front and became a new group of Mujahideen.

<sup>161</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 34.

<sup>162</sup> This organization was created in 1978 by the Muslim World League and is currently based in Saudi Arabia. It collects “donations, zakat, and *sadaqah*” to provide socio-economic assistance to “Muslims in war-torn and disaster-affected areas.” In 2006, the U.S. Department of the Treasury tagged IIRO branches in the Philippines and Indonesia as terrorist front organizations. Source: Berkeley Center for Religion, Peace, and World Affairs, <https://berkleycenter.georgetown.edu/organizations/international-islamic-relief-organization>.

<sup>163</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 17.

met Bin Laden while in Peshawar, Pakistan. Janjalani also established links and became closely associated with Ramzi Yousef of Al Qaeda.<sup>164</sup>

The Mujahideen Commando Freedom Fighters (MCFF) was the origin of the ASG.<sup>165</sup> Banlaoi claims that this response is a reaction to the alleged atrocities committed against Muslims in the Philippines.<sup>166</sup> This group attracted several members in the provinces of Basilan, Sulu, Tawi-Tawi, and some parts of the Zamboanga peninsula.<sup>167</sup> In 1991, the ASG split from the Moro National Liberation Front (MNLF) because of the latter's failure to advance the group's main goal of having "a separate and independent Islamic State in the southern Philippines."<sup>168</sup>

The ASG believes that peace talk and political settlement with the Philippine government are not the solution for the apparent oppression, economic marginalization, and injustices against the Filipino Muslims.<sup>169</sup> For the ASG, the peace agreement between the MNLF and the Philippine government was a "betrayal of four centuries of struggle of the *Bangsamoro*<sup>170</sup> people."<sup>171</sup> Abuza claims that in the early years of separation, the ASG attempted to sabotage the ongoing talks between the MNLF and the Philippine government.<sup>172</sup> The group was tagged as a terrorist organization when it bombed M/V Doulos, a Christian missionary ship, docked at the Zamboanga City port.<sup>173</sup>

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<sup>164</sup> Zachary Abuza, "Balik-Terrorism: The Return of the ASG," accessed July 10, 2016, 2, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?PubID=625>.

<sup>165</sup> Atkinson, "ASG: The Father of the Swordsman," 3.

<sup>166</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 53.

<sup>167</sup> Ibid.

<sup>168</sup> Zack Fellman, "Abu Sayyaf Group," *Center for Strategic Studies and International Studies*, case study no. 5 (November 2011): 2.

<sup>169</sup> Ibid.

<sup>170</sup> The term pertains to the description of the national identity of Muslims in Mindanao, Philippines. Bangsamoro people refers "to those at the time of conquest and colonization were considered natives or inhabitants of Mindanao and the Sulu Archipelago and its adjacent islands including Palawan, and their descendants, whether or mixed or of full blood, shall have the right to identify themselves as Bangsamoro by ascription or self-ascription." Source: "Bangsamoro Basic Law Document," <http://www.gov.ph/2014/09/10/document-the-draft-bangsamoro-basic-law/>.

<sup>171</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 25.

<sup>172</sup> Abuza, "Balik-Terrorism: The Return of the ASG," 3.

<sup>173</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 17.

Then, from 1993 to 1995, the ASG began abducting locals and foreign nationals to include an American missionary and 11 Filipino tourists.<sup>174</sup>

Although the ASG had been involved in several kidnapping activities, it remains and continues to be an Islamic terrorist organization. Banlaoi argues that this is an offshoot of the 9/11 attacks when the United States tagged the ASG as a foreign terrorist organization.<sup>175</sup> He claims that the designation of the ASG is also a viable justification for the deployment of U.S. troops in Mindanao to assist and train the Armed Forces of the Philippines in counterterrorism.<sup>176</sup> Arguably, the United States intends to protect its interests and maintain its influence in the Philippines. Khadafy Janjalani tried to revive the ASG by returning it to its roots as a genuine Islamic movement and employing terrorism and other forms of violence as its political weapon.<sup>177</sup> When Galib Andang, an ASG sub-commander in Sulu, was captured in 2004, the ASG began its series of bombing attacks and disregarded for a while its KFR activities.<sup>178</sup>

Zack Fellman argues that the death of Andang allowed Janjalani, with the support of other radical sub-commanders, to control the entire organization and redirect its efforts to the main political goal of the group—to form an Islamic State in Mindanao.<sup>179</sup> He claims that two key bomb experts of Jemaah Islamiyah (JI), Umar Patek and Dulmatin, went to the southern Philippines and linked with the ASG. While seeking refuge with the ASG, Patek and Dulmatin trained several ASG members in bomb-making techniques.<sup>180</sup>

These linkages of the ASG and JI led to a series of terrorist attacks in the Philippines: the bombing of the Davao International Airport in 2003, the bombing of Super Ferry 14 in 2004, and the bus bombing during Valentine's Day in 2005. More than

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<sup>174</sup> Luke M. Gerdes, Kristine Ringler, and Barbara Autin, "Assessing the Abu Sayyaf Group's Strategic and Learning Capacities," *Studies in Conflict and Terrorism* 37, no. 3 (2014): 268, DOI: 10.1080/1057610X.2014.872021.

<sup>175</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 90.

<sup>176</sup> Ibid.

<sup>177</sup> Rommel Banlaoi, "The ASG Group: From Mere Banditry to Genuine Terrorism," *Southeast Asian Affairs* (2006): 256, DOI: 10.1353/saa.2006.0001.

<sup>178</sup> Ibid.

<sup>179</sup> Fellman, "Abu Sayyaf Group," 3.

<sup>180</sup> Ibid., 4.

150 persons were killed in these incidents and hundreds more were wounded.<sup>181</sup> These terrorist attacks demonstrated that the ASG as a genuine terrorist group, motivated by its political and religious agenda, which has the capability of conducting terrorist attacks outside of its traditional area of operations.

While the ASG's strength has been diminished drastically—to not more than 400 combatants this year—it can still conduct violent attacks because of its capacity to arouse strong local support from the Muslim population.<sup>182</sup> According to Gracia Burnham and Dean Merrill, a former ASG hostage and author of *In the Presence of My Enemies*, the ASG had several supporters from different villages in far-flung and mountainous areas of Sulu, which made it harder for the AFP to conduct pursuit operations.<sup>183</sup> Zachary Abuza claims that the ASG has emerged as “a serious security threat to the Philippines” and arguably a threat for peace and security in the region.<sup>184</sup> It is one of the smallest and arguably the most radical and dangerous terrorist group in the Philippines, and is known to have strong Al Qaeda and JI links. The ASG forged alliances with some MILF members and became a critical partner for JI.<sup>185</sup> This group had also linked with Misuari Group members or armed men loyal to MNLF leader Nur Misuari, who oftentimes act as mercenaries or provide sanctuary for the group in exchange for payment.<sup>186</sup> Ferdinand Napuli claims that the ASG offered high-powered firearms and monetary rewards for potential young recruits to build up its ranks.<sup>187</sup>

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<sup>181</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 39–40.

<sup>182</sup> Ferdinand B. Napuli, “Keeping on the Right Track: An Assessment on the Effectiveness of AFP Responses to ASG Threat” (master’s thesis, National Defense College of the Philippines, Quezon City, 2015), 4.

<sup>183</sup> Gracia Burnham and Dean Merrill, *In the Presence of My Enemies* (Wheaton, Illinois: Tyndale House, 2003), 40.

<sup>184</sup> Abuza, “Balik-Terrorism: The Return of the ASG,” 44.

<sup>185</sup> Ibid.

<sup>186</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 2.

<sup>187</sup> Napuli, “Keeping on the Right Track: An Assessment on the Effectiveness of AFP Responses to ASG Threat,” 25.

## B. STRENGTH AND CAPABILITIES

The various sub-groups of ASG or other lawless elements can still forge tactical alliances during the conduct of operations and criminal activities.<sup>188</sup> However, it is not a tactical concern for the ASG if they operate as one big group or independently; this group has the capability of staging small-unit and “high-impact terrorist attacks” not only in Zamboanga Peninsula, Basilan, and Sulu but also in other parts of the country.<sup>189</sup>

The ASG is also capable of employing guerilla tactics. The ASG can pin down a unit up to company size, typically when troops are ambushed in a pre-designated killing zone.<sup>190</sup> According to Banlaoi, “one important strength of the ASG, despite its small number, is its superb ability to solicit local support.”<sup>191</sup> He also claims that one purpose of the ASG’s kidnapping activities and other criminal acts is to acquire a huge amount of money in order “to build up its manpower and help the local communities.” In return, these communities will provide protection and serve as safe haven for the terrorists.<sup>192</sup> These ASG-controlled communities also provide crucial logistical support—firearms, explosives, and ammunitions.<sup>193</sup>

When the ASG is engaged in its area of operation, it has a “superb capability” to support besieged members in a short period of time.<sup>194</sup> The ASG is extremely effective in its traditional areas of operation, particularly in Basilan and Sulu Provinces, because of its mastery of the terrain and crucial support from other armed elements operating within the area.<sup>195</sup> More reinforcements are expected when the engagement area is near Muslim villages or Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front

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<sup>188</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 38–42.

<sup>189</sup> Ibid.

<sup>190</sup> Intelligence and Security Group, *Special Report: Assessing ASG’s Capabilities and Vulnerabilities*,” (Taguig City, May 4, 2016), 5.

<sup>191</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 43.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid., 54.

<sup>195</sup> Ibid., 54–55.

(MILF) camps.<sup>196</sup> Although the ASG has no direct links with other armed groups or secessionist movements, most members of the group have relatives either in the MILF or MNLF.<sup>197</sup> Because of tribal, religious, and cultural factors, they may help each other and fight one common enemy. Banlaoi argues that these alliances can be established by examining the fact that some ASG members are disgruntled members of either the MNLF or MILF.<sup>198</sup>

According to former Chief of the Philippine National Police (PNP) Criminal Investigation and Detection Group, Police Chief Superintendent Rodolfo Mendoza, “the alliance between ASG and the MNLF were formed years ago.”<sup>199</sup> With regard to the ASG linkages with the MILF, Thomas McKenna argues that it is probable that some disgruntled MILF fighters had joined the ASG, and he asserts that “the ASG may be best viewed as a direct challenge to both the MILF and MNLF, not as an adjunct.”<sup>200</sup> While it may or may not be true that these groups have direct links with each other, there are some enterprising Muslims residing near or within the engagement area who have joined and will join the firefight “purposely to acquire firearms and ammunitions left by government troops’ casualties.”<sup>201</sup>

### C. IDEOLOGY, OBJECTIVES, AND LEADERSHIP

Contrary to popular belief and some media reports, “the ASG is not a homogenous organization.”<sup>202</sup> This organization is a “highly factionalized group of

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<sup>196</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 54–55.

<sup>197</sup> Ibid., 40–41.

<sup>198</sup> Ibid., 40.

<sup>199</sup> Rodolfo Mendoza, quoted in Rommel Banlaoi, *Al-Harakatul Al-Islamiyah: Essays on the Abu Sayyaf Group*, 3<sup>rd</sup> ed. (Quezon City: Philippine Institute for Peace, Violence, and Terrorism Research, 2012), 40.

<sup>200</sup> Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Berkeley: University of California Press, 1998), quoted in Rommel Banlaoi, *Al-Harakatul Al-Islamiyah: Essays on the Abu Sayyaf Group*, 3<sup>rd</sup> ed. (Quezon City: Philippine Institute for Peace, Violence, and Terrorism Research, 2012), 41.

<sup>201</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014).

<sup>202</sup> De Castro, “Abstract of Counter-Insurgency in the Philippines and the Global War on Terror. Examining the Dynamics of the Twenty-first Century Long Wars,” 144.

radical Muslim terrorists.”<sup>203</sup> More exactly, the ASG adopts and operates in semi-autonomous sub-groups, with the bulk of its forces based in Sulu and Basilan provinces, and to a lesser extent, in Zamboanga City and Tawi-Tawi province.<sup>204</sup> In this kind of organizational set-up, sub-leaders have full command and control over their respective operations, particularly in the conduct of atrocities and in the formation of new and smaller sub-groups.<sup>205</sup>

The vision of Abdurajak Janjalani when he formed the ASG was to establish a “highly organized, systematized, and disciplined organization.”<sup>206</sup> To achieve his vision, he recruited young, passionate, and “highly educated Muslim leaders who had studied Islamic theology in Saudi Arabia, Libya, Pakistan, and Egypt.”<sup>207</sup> Janjalani’s vision of a truly organized Islamic resistance movement has an Islamic Executive Council (IEC) that serves as the main planning and execution body of the ASG. This council is composed of 15 Amirs.<sup>208</sup> Under the IEC are two special committees.

In 1998, combined forces of the military and the police killed Abdurajak Janjalani. This event caused a crumbling of the ASG’s organization and created a leadership vacuum. The original organizational structure envisioned by Janjalani was short-lived.<sup>209</sup> With no overall leader that would steer and control the organization, discontent grew among its original members, and it “became [a] mere network of various armed groups with their own respective *Amirs* leading and controlling their own loyal followers.”<sup>210</sup> See Figure 3.

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<sup>203</sup> De Castro, “Abstract of Counter-Insurgency in the Philippines and the Global War on Terror. Examining the Dynamics of the Twenty-first Century Long Wars,” 144.

<sup>204</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 36.

<sup>205</sup> Ibid., 38.

<sup>206</sup> Ibid., 34.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>208</sup> Ibid., 34–35.

<sup>209</sup> Rommel Banlaoi, *Counter Terrorism Measures in Southeast Asia: How Effective Are They?* (Yuchengco Center, De La Salle University, Manila, 2009), 50.

<sup>210</sup> Ibid.

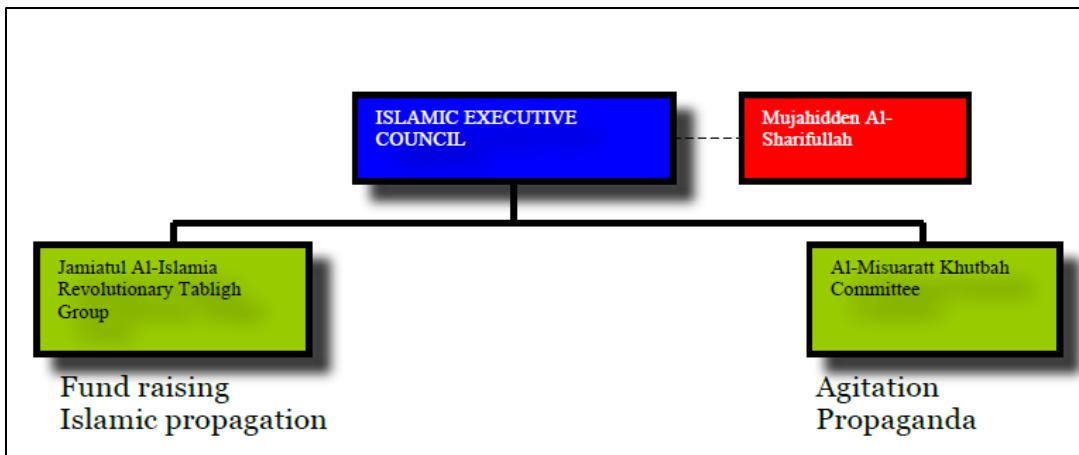


Figure 3. ASG Organization Envisioned by Abdurajak Janjalani.<sup>211</sup>

The death of Abdurajak Janjalani in 1998 further “aggravated the factionalization of the ASG.”<sup>212</sup> The appointment of Khadafy Janjalani, Abdurajak’s younger brother, as the next supreme leader of the ASG did not entirely resolve the problem of disunity within the group because “the young Janjalani did not have the ideological zeal and leadership charisma of his older brother.”<sup>213</sup>

The main goal of the ASG is to establish an “independent Islamic Theocratic State of Mindanao,” where Muslims would “follow Islam in its purest and strictest form.”<sup>214</sup> De Castro claims that this group has tried to combine ethno-religious and ethno-nationalistic ideology with its rampant KFR (Kidnap-for-Ransom) activities. According to Garrett Atkinson, the primary reason for the formation of the ASG is to seek justice for all oppressed Muslims in Mindanao.<sup>215</sup> Atkinson claims that Janjalani was immensely motivated by Wahhabi Islam because of his religious education and

<sup>211</sup> Source: Banlaoi, *Al-Harakatul Al-Islamiyah*, 35.

<sup>212</sup> Banlaoi, *Counter Terrorism Measures in Southeast Asia*, 50.

<sup>213</sup> Zachary Abuza, “The Philippines: Internal and External Security Challenges,” Australian Strategic and Policy Institute, special report no. 45 (February 29, 2012): 13, <https://www.aspi.org.au/publications/special-report-issue-45-the-philippines-internal-and-external-security-challenges>.

<sup>214</sup> Renato Cruz De Castro, “Abstract of Counter-Insurgency in the Philippines and the Global War on Terror. Examining the Dynamics of the Twenty-first Century Long Wars,” *European Journal of East Asian Studies* 9 (2010): 144, DOI: 10.1163/156805810X517706.

<sup>215</sup> Atkinson, “ASG: The Father of the Swordsman,” 4.

radicalization in the Middle East. This primary goal implies a radical view that an Islamic caliphate in Mindanao can only be achieved through armed struggle. The ASG aimed to form a social and political system similar to the Islamic Republic of Iran that is free from infidels or non-believers in Islam.<sup>216</sup> To achieve this goal, each member of the ASG must attain the highest level of religious and political commitment through a rigid process of radicalization.<sup>217</sup>

Banlaoi claims, “The ASG has two major factions operating autonomously in Basilan and Sulu provinces of southern Mindanao.”<sup>218</sup> It is important to note that “the Basilan and Sulu factions of the ASG are also factionalized.”<sup>219</sup> It has no devoted leader on whom its members could rely for their survival.<sup>220</sup> Different sub-groups of the ASG “have mixed objectives, from Islamic fundamentalism to plain banditry.”<sup>221</sup>

Some ASG sub-commanders are more interested in money through kidnapping activities, rather than the “idea of a separate Islamic state.”<sup>222</sup> Because of the huge financial gains from KFR operations, some lawless elements in the southern Philippines want to have an alliance with the ASG for prestige and financial reasons.<sup>223</sup> Luke Gerdes, Kristine Ringler, and Barbara Autin claim that the ASG can be a true extremist movement and continue to be a strategic threat in Southeast Asia.<sup>224</sup> They also stress that this group has become a group of criminals with no strategic goals and ideology other

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<sup>216</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 53.

<sup>217</sup> Ibid.

<sup>218</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014).

<sup>219</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 53.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid., 91.

<sup>222</sup> Ibid., 92.

<sup>223</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014).

<sup>224</sup> Gerdes, Ringler, and Autin, “Assessing the Abu Sayyaf Group’s Strategic and Learning Capacities,” 268.

than creating an environment of fear and insecurity in the region through various forms of banditry and other forms of criminal activities.<sup>225</sup>

#### **D. EVOLUTION OF THE ABU SAYYAF GROUP FROM TERRORISM TO ORGANIZED CRIME**

From an Islamic Movement in the late 1980s and early 1990s, the ASG became known in the Philippines as a bandit group because of its immense involvement in criminal activities, particularly in kidnapping and extortions activities. During this period, it also perpetrated several bombings and other violent attacks targeting innocent civilians and government troops. When financial support from Al Qaeda was cut off due to the discovery of the clandestine operations of Mohammed Jamal Khalifa, the brother in law of Osama Bin Laden, in the Philippines, the ASG resorted to KFR as a primary means of acquiring crucial resources for the survival of the organization. Since then, the ASG has actively engaged in KFR as its major source of funds because support from international terrorist organizations has been limited due to extensive counterterrorism measures of the Philippine government in collaboration with its regional partners and other allies.

In 2006, the ASG again fluctuated between terrorism and crime and adopted criminal methods to pursue its objectives. The Philippine government's successful counterterrorism measures coupled with focused military operations led to the arrest and neutralization of key ASG leaders and members.<sup>226</sup> Notable in this effort was the neutralization of its *Amir*, Khadafy Janjalani. Another key sub-commander in Sulu, Jinal Antel Sali, was killed through intelligence-driven military operations. This setback led to the drastic weakening of the ASG in terms of strength and capability to conduct terrorist attacks. The death of Khadafy Janjalani created an internal rift that further worsened relationship among its sub-commanders. The ASG cleverly recovered from this setback, however, when it unleashed a series of KFR activities from 2008 until 2011. The ASG amassed millions of dollars from these operations, which lured young Muslims to join the group.

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<sup>225</sup> Gerdes, Ringler, and Autin, "Assessing the Abu Sayyaf Group's Strategic and Learning Capacities," 268.

<sup>226</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 90.

## **E. CONCLUSION**

Despite its small size and mostly operating in southern Mindanao, the ASG remains the most brutal terrorist organization in the Philippines. In the absence of foreign funding from foreign terrorist organizations, the ASG has been changing its strategies and tactics and becoming more resilient. The ASG's employment of combined terrorist and criminal methods makes this group more resilient. It also enjoys a robust support network, alliances with other lawless elements and threat groups, and collaboration with foreign terrorists. Through its aggressive and effective criminal activities, principally kidnap for ransom, the ASG successfully generates funds for its sustenance as well as its terrorist and criminal operations. Although the military approach may decimate this group, it seems ineffective to prevent further terrorist attacks or more specifically curb its KFR operations. Facing a hybrid organization, the Philippine government must consider as well a hybrid response that comprises a balanced application of criminal and military approaches. It is important, however, that comprehensive political and socio-economic measures must be instituted to deter others from joining the ASG and to prevent future acts of terrorism and crime.

### III. THE ABU SAYYAF GROUP'S PLACE ON THE CRIME-TERROR CONTINUUM

In 2004, according to Kofi Annan, a former UN Secretary-General, organized crime groups have evolved and are continuously adapting in “today’s globalized economy and sophisticated technology,” but the integrated efforts—intelligence sharing and joint law enforcement operations—of democracies remain “fragmented” and current measures are almost obsolete.<sup>227</sup> Mitchel Roth and Murat Sever have long agreed that terrorist organizations have used criminal methods and relentlessly engage in various criminal activities.<sup>228</sup> Roth and Sever pose one important question, however: “When does a criminal enterprise become a terrorist group or vice versa?”<sup>229</sup> They claim that various government officials and police organizations have been dodging the issue about the definition and label of terrorism and organized crime.<sup>230</sup> Many security experts characterize these groups based on one particular criterion, namely whether they are driven by their political or economic goals.<sup>231</sup>

Knowing and understanding the definitions of terrorism and organized crime can be helpful and crucial for the Philippine government to come up with effective approaches and responses against a hybrid organization—the ASG. As Banlaoi points out, the ASG has mutated into a “hybrid violent group.”<sup>232</sup> It is incorrect to view this organization as an ordinary criminal group or genuine terrorist group because it has

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<sup>227</sup> “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” United Nations Office on Drugs and Crime, accessed August 15, 2016, <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

<sup>228</sup> Mitchel P. Roth and Murat Sever, “The Kurdish Workers Party (PKK) as Criminal Syndicate: Funding Terrorism Through Organized Crime, A Case Study,” *Studies in Conflict & Terrorism* 30, no. 10 (August 20, 2007): 901, DOI: 10.1080/10576100701558620.

<sup>229</sup> Roth and Sever, “The Kurdish Workers Party (PKK) as Criminal Syndicate,” 901.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Rommel Banlaoi, “Duterte’s Challenges: Terror, Crime and the ASG,” *Rappler Philippines*, May 13, 2016, <http://www.rappler.com/thought-leaders/132875-duterte-challenges-terror-crime-abu-sayyaf>.

shifted into a “dubious multiple character” that demonstrates the attitude of a brutal criminal group and dangerous behavior of a terrorist organization.<sup>233</sup>

This chapter argues that the ASG has reached the first three phases—Alliances, Operational Motivations, Convergence—of Makarenko’s CTC model. This CTC model illustrates the interaction—and interoperability—of crime and terror on a continuum, which theoretically explains the convergence of crime and terror at a central point.<sup>234</sup> This chapter is organized as follows: First, it highlights various definitions of organized crime and some significant similarities and differences as compared with terrorism, but this section deals more on organized crime since several definitions of terrorism have been discussed in Chapter I. Second, it outlines and explains one by one the four points of the continuum—Alliances, Operational Motivations, Convergence, and the “Black Hole.” Third, it discusses the case of the ASG and considers its position on the Crime-Terror Continuum. Finally, this chapter highlights some significant sources of the ASG’s resilience.

#### **A. ORGANIZED CRIME AND TERRORISM: A COMPARISON**

Defining exactly what organized crime is, like terrorism, arouses debate among security experts and lawmakers alike.<sup>235</sup> Jay Albanese defines organized crime as a “continuing criminal enterprise that rationally works to profit from illegal activities [and whose] continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials.”<sup>236</sup> For the Federal Bureau of Investigation (FBI), organized crime is defined as follows:

Any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened

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<sup>233</sup> Banlaoi, “Duterte’s Challenges: Terror, Crime and the ASG.”

<sup>234</sup> Makarenko, “The Crime-Terror Continuum,” 130.

<sup>235</sup> Megan Warshawsky, “Re-Examining the Crime-Terror Continuum: Understanding the Interplay Between Criminals and Terrorists” (master’s thesis, University of North Carolina, 2013), 9, <https://cdr.lib.unc.edu/record/uuid:dc286d0a-bf56-46c7-9aa3-b87b00eb48dc>.

<sup>236</sup> Jay S. Albanese, “Causes of Organized Crime: Do Criminals Organize Around Opportunities for Crime or Do Criminal Opportunities Create New Offenders?” *Journal of Contemporary Criminal Justice* 16, no. 4 (November 2000): 411, DOI: 10.1177/1043986200016004004.

violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole.<sup>237</sup>

The European Union's criminal intelligence agency defines organized crime as "having as its central goal, the pursuit of profit and/or power."<sup>238</sup> This definition suggests that power is an independent and separate goal from profit, which clearly demonstrates that the distinction between terrorism and organized crime critically rests on how scholars understand the nature of politics.<sup>239</sup>

Annan argues that organized crime is a global challenge and criminal organizations have taken advantage of "globalized economy and the technology that goes with it."<sup>240</sup> Each member state of the UN must exploit the same factors—"openness and opportunities of globalization"—being used by these criminal organizations to conduct crimes and other violent activities, which explicitly and gravely violate human rights.<sup>241</sup> Annan points out that "if crime crosses borders, so must law enforcement."<sup>242</sup> He claims that if criminal organizations mock the laws of civilized nations, then those "who defend it cannot limit themselves to purely national means."<sup>243</sup> In December 2000, the UN ratified "United Nations Convention against Transnational Organized Crime and the Protocols Thereto" as a tool and augmentation in combating transnational crime. This Protocol defined organized crime as:

A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences [an offence punishable by a maximum deprivation of

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<sup>237</sup> "Organized Crime," Federal Bureau of Investigation, accessed July 15, 2016, <https://www.fbi.gov/about-us/investigate/organizedcrime/glossary>.

<sup>238</sup> Harmonie Toros and Luca Mavelli, "Terrorism, Organized Crime and the Biopolitics of Violence," *Critical Studies on Terrorism*, 6, no. 1 (April 05, 2013): 77, DOI: 10.1080/17539153.2013.765701.

<sup>239</sup> Toros and Mavelli, "Terrorism, Organized Crime and the Biopolitics of Violence," 78.

<sup>240</sup> "United Nations Convention Against Transnational Organized Crime and the Protocols Thereto," United Nations Office on Drugs and Crime, iii.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

liberty of at least four years or more serious penalty]...in order to obtain, directly or indirectly, a financial or other material benefit.<sup>244</sup>

As articulated in this Protocol, organized crime can be classified as transnational if four conditions are met:

It is committed in more than one state; in one state but a substantial part of its preparation, planning, direction or control takes place in another state; in one state but involves an organized criminal group that engages in criminal activities in more than one state; or in one state but has substantial effects in another state.<sup>245</sup>

Jennifer Hesterman asserts that the UN Protocol, also known as the “Palermo Convention,” provided a universally accepted binding document that address transnational organized crime, and it proposes globally accepted definition of debatable term such as “trafficking, confiscation, and organized crime.”<sup>246</sup>

On the other hand, Howard Abadinsky suggests another contentious issue about the definition of organized crime. He argues that conventional crime is different from organized crime, and one variable that distinguish them from each other is the “perpetuity.”<sup>247</sup> To illustrate this point, Abadinsky compares Jesse James with the Al Capone case: both of them, criminal gangs. The Jesse Games Gang, which is considered a conventional crime group, ended in 1882 when its leader died, while Al Capone’s imprisonment and death did not keep the organized crime group to which he belonged—the U.S. mafia—from surviving into the 21<sup>st</sup> century. Abadinsky suggests eight attributes that constitute organized crime: “1) has no political goals; 2) is hierarchical; 3) has a limited or exclusive membership; 4) constitutes a unique subculture; 5) perpetuates themselves; 6) exhibits a willingness to use illegal violence; 7) is monopolistic; 8) is governed by explicit rules and regulations.”<sup>248</sup>

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<sup>244</sup> “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” United Nations Office on Drugs and Crime, 5.

<sup>245</sup> Ibid., 6.

<sup>246</sup> Jennifer L. Hesterman, *The Terrorist-Criminal Nexus: An Alliance of International Drug Cartels, Organized Crime, and Terror Groups* (Boca Raton: Taylor & Francis, 2013), 25.

<sup>247</sup> Howard Abadinsky, *Organized Crime*, 10<sup>th</sup> ed. (CA: Wadsworth, 2012), 2.

<sup>248</sup> Ibid., 3.

Both terrorism and crime employ and benefit from illegal activities, and they tend to have similar structures that make them more effective and efficient as an organization. Significantly, organized crime has been a global concern that requires a collective response of various nations. Criminal organizations cross borders and take advantage of the concept of “open borders and free markets” among democracies.<sup>249</sup> Criminals have no political objectives; they use intimidation and violence for money, which they, like any terrorist organization, must have in order to survive.

Hesterman writes that “the lifeblood of any nefarious organization”—criminals or terrorists—is money.<sup>250</sup> Freeman claims that “terrorism costs money,” and without financial mechanisms, a terrorist organization cannot conduct and sustain its violent activities, recruit, and survive as a group.<sup>251</sup> Terrorists are expert and well experienced in employing violent means to intimidate or coerce the populace, but just like any organization, they need money for their operational expenses.<sup>252</sup> Kjell Hausken and Dipak Gupta claim that to attain continuous and steady sources of funds, terrorist groups must employ criminal methods, which, as a result, attract members who have no ideological motivations.<sup>253</sup> These groups get extensively involved in criminal activities; thus, in the end, they lose their “ideological orientation” and “political support base.”<sup>254</sup> On the other hand, organized crime may opt to use terror tactics to coerce or intimidate the populace, but it is done to “achieve financial gains.”<sup>255</sup>

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<sup>249</sup> “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” United Nations Office on Drugs and Crime, iii.

<sup>250</sup> Hesterman, *The Terrorist-Criminal Nexus: An Alliance of International Drug Cartels, Organized Crime, and Terror Groups*, 4.

<sup>251</sup> Michael Freeman, “The Sources of Terrorist Financing: Theory and Typology,” *Studies in Conflict and Terrorism* 34, no. 6 (May 20, 2011): 461, DOI: 10.1080/1057610X.2011.571193.

<sup>252</sup> Ibid.

<sup>253</sup> Kjell Hausken and Dipak K. Gupta, “Government Protection Against Terrorism and Crime,” *Global Crime* 16, no. 2 (March 26, 2015): 60, DOI: 10.1080/17440572.2015.1019612.

<sup>254</sup> Ibid.

<sup>255</sup> Toros and Mavelli, “Terrorism, Organized Crime and the Biopolitics of Violence,” 77.

## **B. MAKARENKO'S CRIME-TERROR CONTINUUM**

This section illustrates the interaction and interoperability of terrorism and crime using Makarenko's CTC. This continuum has four distinct phases, which can explain collaboration and alliance between terrorists and criminals, and it supports the hypothesis that the ASG has evolved into a hybrid organization.

### **1. Alliance Formation**

The first phase in the continuum plane is alliance, which basically pertains to the collaboration between organized crime and terrorism. But organized crime and terrorist organizations have realized the inherent organizational and security problems present in alliances. These problems emanate from differences over “priorities and strategies, distrust, danger of defections, and possible competitions over turf and money.”<sup>256</sup> To survive and continuously exist, a terrorist organization must always follow its “guiding principle” and must maintain its operational security by maintaining utmost secrecy in recruitment, preempting infiltration, and punishing disloyalty among its ranks.<sup>257</sup> Thus, despite obvious advantages of alliances between crime and terrorist groups, this mutual relationship is only temporary and both organizations still intend to cut off any connection between them.<sup>258</sup>

The alliance as the first relationship between organized crime and terrorism as illustrated in the Makarenko's CTC is also called the “basic level of cooperation.”<sup>259</sup> This kind of relationship may exist for a short or long period of time, depending on the mutual cooperation between criminal and terrorist groups.<sup>260</sup> At this point of the continuum, the association between terrorists and criminals are growing stronger in order to learn and acquire certain skills from each other. Both of them intend to seek “expert knowledge”

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<sup>256</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 175.

<sup>257</sup> Brian Michael Jenkins, “New Age of Terrorism,” Santa Monica, CA: RAND Corporation, 2006, 123, <http://www.rand.org/pubs/reprints/RP1215.html>.

<sup>258</sup> Makarenko, “The Crime-Terror Continuum,” 133.

<sup>259</sup> Ulas Yildiz, “Combating Commercial Terrorists: The PKK Case” (master’s thesis, Naval Postgraduate School, Monterey, California, December 2015), 27, <http://calhoun.nps.edu/handle/10945/47898>.

<sup>260</sup> Ibid.

such as “smuggling, money laundering, counterfeiting, or bomb-making techniques.”<sup>261</sup> Also, these alliances can occur to get “operational support” such as access to smuggling routes, procurement of firearms and explosives, and other important logistical supplies.<sup>262</sup>

One good example of this kind of alliance is the case of the Albanian Mafia<sup>263</sup> and the Kosovo Liberation Army (KLA). The Albanian Mafia has been known as a notorious organized crime organization in terms of producing and trafficking drugs. This group has also been involved in other illegal and criminal activities such as “human trafficking, arms trading, contract killing, kidnapping, etc.”<sup>264</sup> The terrorist perspective of the Albanian Mafia is best explained through an alliance with the KLA, a terrorist group that fought for the liberation of Kosovo from Serbia. To protect its organization and continuously survive as an organized crime organization, it must create an atmosphere of social and political instability, which further explains why it needs to maintain an alliance with a terrorist group.<sup>265</sup>

As Makarenko claims, it is critical for any terrorist organization to achieve political unrest because this kind of unstable environment destroys the credibility and legitimacy of the central government in the eyes of the people it tries to protect and gain support from.<sup>266</sup> See Figure 4.

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<sup>261</sup> Tamara Makarenko, “Terrorism and Transnational Organized Crime,” 174.

<sup>262</sup> Ibid.

<sup>263</sup> The Albanian Mafia (AM) or Albanian Organized Crime (AOC) is an organization composed of various “ethnic Albanian family clans,” whose criminal activities and influence span an area covering three continents. This group is widely involved in drug trafficking and arms smuggling. Notably, this group has been active in the United States and the European Union (EU). Source: University of California Press Blog, <http://www.ucpress.edu/blog/18856/decoding-albanian-organized-crime/>.

<sup>264</sup> Warshawsky, “Re-Examining the Crime-Terror Continuum,” 21.

<sup>265</sup> Ibid.

<sup>266</sup> Makarenko, “The Crime-Terror Continuum,” 132.

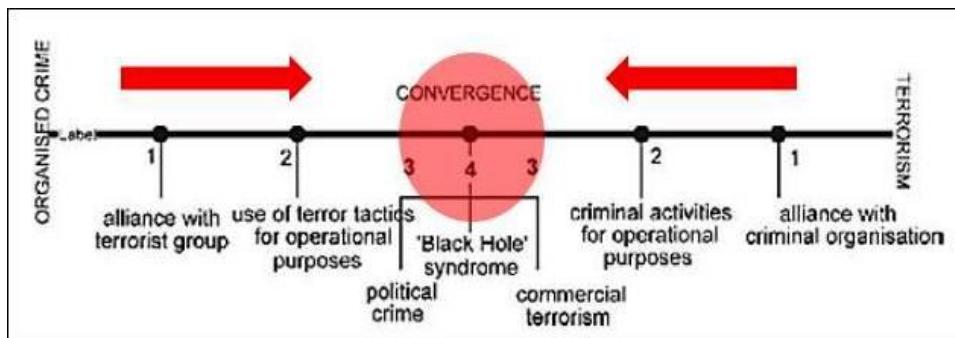


Figure 4. The Crime-Terror Continuum.<sup>267</sup>

## 2. Operational Motivations

The second component of the CTC—operational motivations—highlights how criminal groups employ terrorism as an operational tool, and in the same manner, how terrorist groups use criminal activities as an operational tool.<sup>268</sup> It was only at the beginning of the 1990s that terrorist groups significantly employed criminal methods as the main source of financing for future operations.<sup>269</sup> As Makarenko claims, the post-Cold War era greatly affected the operational environment of several criminal and terrorist groups, and drove them to shift their operational priorities and focus.<sup>270</sup> Megan Warshawsky writes that the collapse of the former USSR resulted in the creation of several failed states, and this incident was exploited by criminals and terrorists alike to their advantage.<sup>271</sup> Organized crime and terrorist groups have been using weak or failing states as their safe haven and base of operations.<sup>272</sup> This condition led organized crime groups to change the operational environment in some weak states, and since terrorist groups had lost financial support from their state sponsors, they began to engage actively in criminal activities.<sup>273</sup>

<sup>267</sup> Adapted from Makarenko, “The Crime-Terror Continuum,” 131.

<sup>268</sup> Makarenko, “The Crime-Terror Continuum,” 133.

<sup>269</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 175.

<sup>270</sup> Ibid.

<sup>271</sup> Warshawsky, “Re-Examining the Crime-Terror Continuum,” 2.

<sup>272</sup> Ibid.

<sup>273</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 175.

Although organized crime groups have employed terror to achieve their objectives and apparently engaged the political dimension, notably the main purpose for such actions was merely “to secure their operational environment.”<sup>274</sup> Sustaining their illegal activities to maximize financial gains remains the primary motivation for these groups resorting to terror tactics. The series of car-bomb attacks carried out by the Italian Mafia in the 1990s is a good example of how criminal groups influence their operational environment. Although these terror attacks seem to give the lie to studies that hold that organized crime seeks to remain unnoticed by the public, the Italian Mafia, as one example, has realized the effectiveness of reaching a wider audience—through terroristic acts.<sup>275</sup> Thus, after a series of attacks, terrorism as an operational tool “forced the [Italian] government into negotiation and compromise.”<sup>276</sup>

On the other hand, many terrorist groups have opted to maximize the use of criminal methods as an operational tool to secure crucial funds for its future operations. The FARC<sup>277</sup> is a terrorist organization that extensively engaged in the illegal drug trade. Other terrorist groups such as “*Basque Euskadi Ta Askatasuna* (ETA) in Spain, the Kurdistan Workers Party (PKK) in Turkey, and *Sendero Luminoso* in Peru” are all involved in various criminal activities.<sup>278</sup> The ASG has relentlessly engaged in kidnapping, and these criminal activities have become its main source of funds.

It is also important, however, to note that these above-mentioned terrorist groups still retain their political objectives, and criminal methods are only used to secure funds in order to achieve their political ends.<sup>279</sup> From the 1990s to the present, many organized crime and terrorist groups have been observed to have “lost sight of their original

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<sup>274</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 175.

<sup>275</sup> Makarenko, “The Crime-Terror Continuum,” 134.

<sup>276</sup> Ibid.

<sup>277</sup> The biggest irregular army in Colombia, the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia - FARC*) “operates in various regions of the country in search of resources to fund their 50-year-old war against the government.” This organization employs various criminal activities—drug trade, kidnapping, and extortion—to support its political and military operations against the Colombian government. Source: InSightCrime, “Organized Crime Groups,” <http://www.insightcrime.org/component/tags/tag/139-organized-crime-groups?limit=10&start=40>.

<sup>278</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 176.

<sup>279</sup> Ibid.

motivations and aims.”<sup>280</sup> These groups have evolved into a hybrid organization in which their “motivations, organization, and operations” have converged. As Makarenko points out, this convergence makes it “analytically difficult” to distinguish where is the thin line that divides organized crime and terrorism.<sup>281</sup>

### 3. Convergence

The final point of the crime-terror continuum is the “convergence thesis.” At this level, both organized crime and terrorist groups have converged into a single entity, but they are still capable of transforming themselves into an entity that can be seen at the opposite end of the continuum.<sup>282</sup> See Figure 5.

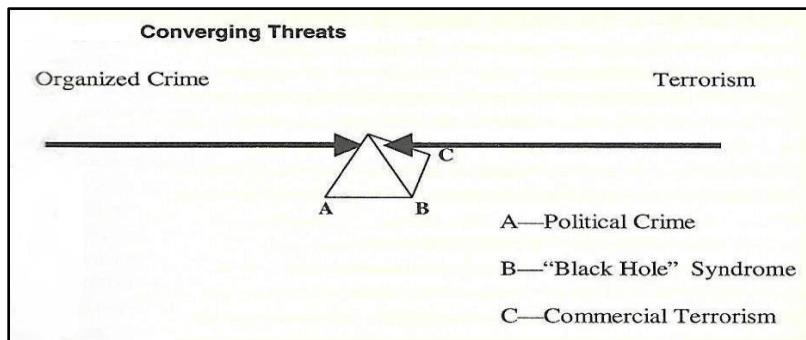


Figure 5. The Converging Threats.<sup>283</sup>

At the “convergence thesis,” both criminal and terrorist groups have reached the category of “hybrid organizations” and acquire some hybrid characteristics.<sup>284</sup> Thus, both criminal and terrorist groups have now the capacity to transform into crime or terrorism, and totally change their “aims and motivations” as an organization. In this case, both

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<sup>280</sup> Makarenko, “The Crime-Terror Continuum,” 135.

<sup>281</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 176.

<sup>282</sup> Makarenko, “The Crime-Terror Continuum,” 135.

<sup>283</sup> Source: Makarenko, “Terrorism and Transnational Organized Crime,” 179.

<sup>284</sup> Makarenko, “The Crime-Terror Continuum,” 135.

criminal and terrorist groups have departed from their original identity of political or criminal entities.<sup>285</sup>

In “New Age of Terrorism,” Brian Michael Jenkins argues that terrorists are not “monolithic,” which means that their actions are shaped by “culture, ideology, and politics.”<sup>286</sup> He claims that terrorist groups are capable of innovating tactics, exploiting the latest technology, and learning from other organizations’ successes.<sup>287</sup> As Makarenko asserts, terrorist groups can shift their operations to crime because of financial gains, while organized crime groups can turn themselves into terrorists to gain “political leverage” and disrupt the judicial and legislative process of the government.<sup>288</sup> With this, Makarenko offers two independent components of the convergence thesis: political crime and commercial terrorism. Although both of them are independent variables, they are still related to each other as explained below:

*a. Political Crime*

Political crime pertains to a particular organized crime group that seeks political objectives, and at the same time has been motivated by the financial or material gains of its actions. This category is further sub-divided into two parts.<sup>289</sup> First, it encompasses criminal groups who employ terror tactics to further their political objectives by gearing their terroristic activities toward the disruption of the political or judicial processes of the country. These criminal groups exert much effort “to block anti-crime legislation” and gain political control through direct intervention in the political arena and activities of some government institutions.<sup>290</sup>

The second category under the first component pertains to the capacity of a criminal organization to employ terror tactics to attain control or monopoly over

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<sup>285</sup> Makarenko, “The Crime-Terror Continuum,” 135.

<sup>286</sup> Brian Michael Jenkins, “New Age of Terrorism,” Santa Monica, CA: RAND Corporation, 2006. <http://www.rand.org/pubs/reprints/RP1215.html>.

<sup>287</sup> Ibid.

<sup>288</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 177.

<sup>289</sup> Makarenko, “The Crime-Terror Continuum,” 135.

<sup>290</sup> Ibid., 136.

economic sectors and financial institutions of the state. In this case, however, the ultimate objective of a criminal organization is still “to gain political control over the states.” As Makarenko argues, in a modern era of free market and capitalist economy, economic strength is one of the crucial components of having a strong political power. The convergence of crime and terrorism in Albania is one good example of this political crime. Since the Albanian Mafia had been linked to “Pan-Albanian ideals, politics, military activities, and terrorism,” it procured arms and military equipment for the KLA.<sup>291</sup> Additionally, members of the Albanian criminal and terrorist groups have dual and interchangeable membership, and they share the same recruitment base to beef up their strength.<sup>292</sup>

***b. Commercial Terrorism***

The second component of the convergence thesis pertains to the active engagement of terrorist groups in criminal activities. In this category, terrorist organizations are no longer motivated by their political agenda, but they focus more on the financial rewards that they can get from various criminal activities.<sup>293</sup> In commercial terrorism, terrorist groups still use their political rhetoric and ideologies to mask and justify their criminal activities from the public. A terrorist organization may not survive without the crucial support of the people, particularly those who are within their area of operations or controlled territories. This public support is critically important to manipulate and maintain terrorist support networks to enhance operational capabilities of the organization. For this reason those hybrids—falling under the complex identity of crime and terrorism—continue to exploit political grievances and portray plausible justifications for their purely criminal deeds.<sup>294</sup>

Despite involvement in criminal activities, however, commercial terrorists still recognize the crucial role of using terrorism as a tool for two major reasons. First,

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<sup>291</sup> Makarenko, “The Crime-Terror Continuum,” 136.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid., 137.

terrorism sways the government and law enforcement units to focus their investigation on the political aspects, rather than initiating criminal investigations after the attacks. Second, terror tactics serve as leverage against the threat posed by rival criminal groups.<sup>295</sup> Some terrorist organizations demonstrate this kind of convergence in which they have evolved primarily as criminal groups; examples include the FARC, the ASG, and the Islamic Movement of Uzbekistan. These organizations are mostly involved in the drug trade, kidnapping, smuggling of arms and goods, and other illegal activities.<sup>296</sup>

#### **4. The “Black Hole” Thesis**

At this phase, both terrorists and criminals have successfully destabilized the political situation of a particular country and sway the popular support against the government. The final phase of Makarenko’s CTC model refers to a specific situation wherein weak or failed states become a suitable environment for the convergence of organized crime and terrorism. At this point in the continuum, an ideal and safe environment has been achieved by both criminals and terrorists for their violent, illegal, or unrestricted operations.<sup>297</sup> As Makarenko argues, the “black hole” is the biggest threat to international security because at this level, political crime and commercial terrorism have reached a point wherein both organized crime and terrorist organizations “gained economic and political control over a state.”<sup>298</sup> When this situation emerges, two types of situation will prevail. First, the “black hole” syndrome can trigger chaos, display characteristics of anarchy, and show signs of political instability that can lead and develop into failed states such as the case of Afghanistan.<sup>299</sup>

Second, the “black hole” can create a “criminal state” such as North Korea. To protect the regime and secure their control and power, these nations extensively use terror

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<sup>295</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 178.

<sup>296</sup> Makarenko, “The Crime-Terror Continuum,” 137.

<sup>297</sup> Ibid., 138.

<sup>298</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 178.

<sup>299</sup> Ibid.

tactics. A sector of elite government officials arguably uses their power and position to maximize profits from various illegal and criminal activities.<sup>300</sup>

### **C. THE ABU SAYYAF GROUP'S PLACE ON THE CRIME-TERROR CONTINUUM**

According to Antonio Maria Costa, former Executive Director of the United Nations Office on Drugs and Crime (UNODC), “Organized crime has globalized and turned into one of the world’s foremost economic and armed powers.”<sup>301</sup> UNODC also claims that, globally, organized crime and terrorism have been converging.<sup>302</sup> Terrorist and criminal organizations are taking advantage of their “specialized skills and assets.”<sup>303</sup> This convergence paves the way for the emergence of hybrid organizations that demonstrate a remarkable relationship between criminals and terrorists. The ASG demonstrates this kind of mutation: from its roots as a mere Islamic Movement it evolved into a genuine terrorist organization, which has connections and support from some foreign terrorist organizations such as Al Qaeda and the regional terror group—Jemaah Islamiyah (JI) of Southeast Asia. Now, the ASG had been extensively involved in criminal activities, particularly in kidnapping, in collaboration and alliance with various criminal and lawless elements in the Southern Philippines. This section will discuss the mutation of the ASG that will be highlighted in the first three phases—Alliance, Operational Motivations, and Convergence—of Makarenko’s CTC model.

#### **1. Terrorism-Crime Period of the Abu Sayyaf Group**

The main goal of the ASG is to create an Islamic state in Mindanao, and this group realized that armed struggle and linkages with other foreign terrorist organizations

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<sup>300</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 178.

<sup>301</sup> “Organized Crime Has Globalized and Turned into a Security Threat,” United Nations Office on Drugs and Crime, accessed October 10, 2016, <https://www.unodc.org/unodc/en/press/releases/2010/June/organized-crime-has-globalized-and-turned-into-a-security-threat.html>.

<sup>302</sup> Steven D’Alfonso, “Why Organized Crime and Terror Groups Are Converging,” Security Intelligence, accessed October 27, 2016, <https://securityintelligence.com/why-organized-crime-and-terror-groups-are-converging/>.

<sup>303</sup> Ibid.

are crucial to this goal.<sup>304</sup> The M/V *Doulos* incident marked the beginning of the ASG as one of the terrorist groups in Mindanao. This terrorist attack was publicly acknowledged by the ASG, and its popularity immediately spread in the Southern Philippines.<sup>305</sup> Soon after the 9/11 attack in the United States, the ASG was listed as a foreign terrorist organization by the U.S. State Department.<sup>306</sup> This designation led to a stronger cooperation and collaboration between the United States and the Philippines to combat terrorism, particularly the threat from the ASG. According to Linda Robinson, Patrick B. Johnston, and Gillian S. Oak, to defeat the ASG and its local and foreign affiliates, the Philippines must enhance its military capability in terms of intelligence gathering, training, and more-capable special units.<sup>307</sup>

In this period of pure terrorism, the ASG perpetrated numerous notable terrorist attacks such as bombings, assassinations, mass executions, beheadings, and kidnappings. Atkinson claims that the most prominent signature of these atrocities was its “extreme ruthlessness and wanton disregard for life, especially those of Christians.”<sup>308</sup>

The period of 1991 to 1995 was the initial terror campaign perpetrated by the ASG in which several high-profile terrorist attacks—mass killings, bombings, beheadings, and kidnappings—were executed as a way of introducing themselves as a “full-fledged terrorist group.”<sup>309</sup> The “Ipil Massacre” was one of the worst attacks perpetrated by this group in collusion with some members of the MILF in 1995. In this incident, the ASG raided the municipality of Ipil, Zamboanga Sibugay Province, killing

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<sup>304</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 37.

<sup>305</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 88–89.

<sup>306</sup> Linda Robinson, Patrick B. Johnston, and Gillian S. Oak, “U.S. Special Operations Forces in the Philippines, 2001–2014,” RAND Corporation, accessed September 16, 2016, xxii, [http://www.rand.org/pubs/research\\_reports/RR1236.html](http://www.rand.org/pubs/research_reports/RR1236.html).

<sup>307</sup> Ibid.

<sup>308</sup> Garret Atkinson, “ASG: The Father of the Swordsman,” American Security Project, March 2012, 5, <https://www.americansecurityproject.org/wp-content/uploads/2012/03/Abu-Sayyaf-The-Father-of-the-Swordsman.pdf>.

<sup>309</sup> Ibid., 6.

80–100 innocent civilians, looting millions of pesos from commercial banks, and burning the center of the town.<sup>310</sup>

As mentioned in Chapter 2, the ASG’s “bold and publicity-driven attacks” surged during its early years of formation, and the period 1995–2001 can be correctly categorized as a “period of banditry.”<sup>311</sup> Although there were some notable terrorist attacks against innocent civilians during this period, the ASG changed its focus to kidnapping activities for monetary purposes.<sup>312</sup> According to Banlaoi, some of the high-profile kidnapping activities of the ASG can be categorized as “serious maritime terrorist attacks.”<sup>313</sup> This group pronounced some explicit political objectives to justify its criminal activities. The ASG issued various demands such as “to recognize the establishment of the independent Islamic State in the Southern Philippines, to recognize alleged human rights violations against Filipino Muslims, and to protect the ancestral fishing areas in Mindanao.”<sup>314</sup> For the period of 1991 to 2000, the ASG was credited with 378 terrorist attacks, which killed 288 people. This group also perpetrated 640 incidents of kidnapping that involved 2,076 hostages.<sup>315</sup> The ASG, however, also perpetrated several major terrorist attacks from 2001 to 2009 as enumerated below:

- Pearl Farm Beach Resort kidnapping on 22 May 2001, involving 20 hostages
- Jehovah’s Witnesses kidnapping in August 2002 involving six members. Two of them were beheaded.
- Zamboanga City Bombing in October 2002, killing an American soldier
- Davao International Airport Bombing on 5 March 2003, killing 21 people and injuring 148 others

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<sup>310</sup> Stephen Cohn, “Countering the Lingering Threat of the Abu Sayyaf Group” (master’s thesis, Naval Postgraduate School, Monterey, California, September 2007), 20, <http://calhoun.nps.edu/handle/10945/3332>.

<sup>311</sup> Atkinson, “ASG: The Father of the Swordsman,” 6.

<sup>312</sup> Ibid.

<sup>313</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 62.

<sup>314</sup> Ibid.

<sup>315</sup> Atkinson, “ASG: The Father of the Swordsman,” 6.

- Superferry 14 bombing on 24 February 2004, killing 116 people and injuring 300 others. This incident was regarded as the worst man-made disaster in Philippine waters since 9/11 and the worst terrorist attack in Asia since the 2002 Bali Bombing.
- Valentine’s Day bombings on 14 February 2005 in Makati City, Davao City and General Santos City. These bombings resulted in the death of 11 people and injury of 93 others.
- The kidnapping of TV journalist Ces Drilon and her crew on 23 September 2008
- International Committee of the Red Cross (ICRC) Kidnapping on 15 January 2009, involving three personnel, and Sri Lankan Peace Worker Kidnapping on 13 February 2009<sup>316</sup>

## 2. Period of Alliance with Lawless Elements and Other Threat Groups

In the mid-1990s, the Philippines discovered that Al Qaeda was providing financial support to the ASG through the clandestine activities of Osama Bin Laden’s brother in law—Mohammed Jamal Khalifa.<sup>317</sup> When the support of foreign terrorist organization stopped in the late 1990s, the ASG began its series of kidnapping operations. During this period, the ASG executed the daring kidnapping operations in Sipadan Island Resort of Sabah, Malaysia and the Dos Palmas Resort in Palawan. In 2000, the ASG also perpetrated the highly publicized kidnapping of public elementary school teachers in Basilan.

According to Professor Octavio Dinampo of Mindanao State University, who has the traumatic experience of having been an ASG hostage, the ASG’s main advantage is its “wider network of external groups.”<sup>318</sup> He points out that this robust network with other lawless elements helped the ASG to successfully conduct kidnappings and evade pursuing government troops.<sup>319</sup> From the ASG’s perspective, establishing an alliance with different criminal elements proved to be the best option, particularly at the tactical

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<sup>316</sup> Banlaoi, *Counter Terrorism Measures in Southeast Asia*, 64.

<sup>317</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 88.

<sup>318</sup> Aya Lowe, “Kidnapping Cases Could Rise Amid Philippine Election Season: Police,” *Channel News Asia*, February 20, 2016, <http://www.channelnewsasia.com/news/asiapacific/kidnapping-cases-could/2533198.html>.

<sup>319</sup> Ibid.

level. This kind of alliance enhances each other's operational capabilities, proficiencies, and skills in terms of conducting terrorist and criminal activities. When lawless elements successfully abducted its victim, this group will immediately transfer the hostages to the ASG, and in this case, the ASG will just send a team to pick up the hostages along the pre-designated point, which is normally somewhere along the coastline of Zamboanga Peninsula.<sup>320</sup>

As Mayola claims, the ASG utilizes various cells of lawless elements as "workhorses," and these criminal elements conduct surveillance and casing of prospective targets, to act as a take down or "snatch team," to hide the hostages, to act as negotiators, and other essential tasks in kidnapping operations.<sup>321</sup> In some cases of kidnapping, the ASG is allegedly involved in alliances with rogue elements of the MILF because of "familial or personal ties" between the members of the ASG and MILF.<sup>322</sup>

### **3. Operational Tool Period**

According to Makarenko, history reveals that organized crime groups employ terror tactics in order to achieve their organizational objectives and goals.<sup>323</sup> She claims that these criminal organizations, whether domestic or transnational groups, had extensively used terror tactics to further their ultimate aims.<sup>324</sup> Regarding the case of some criminal elements operating in the area where the presence and strong influence of the ASG are known, these groups do not seem to be directly involved in terrorism or known to use terror tactics to harm innocent civilians. These criminal elements are not perpetrating bombing or mass killings of innocent civilians but, in a certain way, they are indirect accomplices to the terrorist attacks and other violent activities of the ASG.<sup>325</sup>

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<sup>320</sup> Based on the assessment of the author from one of his Development Reports as Field Station Commander, 9<sup>th</sup> ISU, ISG, PA. The area of responsibility of 9<sup>th</sup> ISU covers the whole Zamboanga Peninsula, Basilan, and Sulu Provinces.

<sup>321</sup> Mayola, "Crime and Terror Nexus in Terrorist Financing Philippines."

<sup>322</sup> Ibid.

<sup>323</sup> Makarenko, "Terrorism and Transnational Organized Crime," 175.

<sup>324</sup> Ibid.

<sup>325</sup> Alvarez, "A Case Study on ASG Group Kidnapping for Ransom," 82.

Because these groups' principal motivation is money, they are more ardent in various illegal activities such as kidnapping, arms and drug trafficking, extortion, and gun-for-hire. These criminal organizations, however, could be tapped to procure firearms and explosives for the ASG. Since these lawless elements can easily blend in and roam around and have the mastery of urban operations, they are more efficient and effective in providing safe haven and logistical support for the ASG.

On the other hand, the ASG benefits from this alliance with various criminal elements through sharing of knowledge, expertise, and techniques in conducting kidnapping operations. Criminal groups and lost commands of the MILF and MNLF seem to have perfected the conduct of illegal activities in Western Mindanao. Despite the presence of numerous military and police checkpoints coupled with a naval blockade off the waters of Zamboanga Peninsula, abduction continuous as a major concern and has failed to stop. Lawless elements are known to be good in this method of kidnapping wealthy Filipinos or foreigners in Zamboanga Peninsula. In the absence of foreign funding since the 9/11 attacks in the United States, the ASG has relied on criminal activities as its operational tool to acquire funds.<sup>326</sup> Aside from this kidnapping spree, this group has also been involved in extortion in the form of *zakat* (a religious tax), arms smuggling, "counterfeiting of goods, illegal drug sales or serving as bodyguards for local politicians."<sup>327</sup>

#### **D. SOURCES OF RESILIENCE**

The ASG's operational resilience as a terrorist organization has largely been attributed to its robust support network, linkages with other threat groups for criminal activities, and protection from corrupt politicians.<sup>328</sup> Furthermore, this group has a superb ability to recruit young Muslim fighters from sympathetic villages in Basilan, Sulu, and Tawi-Tawi Provinces through material incentives.<sup>329</sup> Banlaoi claims that in the Sulu

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<sup>326</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 89.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid., 91–92.

<sup>329</sup> Ibid.

Province alone, “46% or 115 of its total 251 villages are affected by the ASG, in Basilan, 25% of its 187 villages are affected by ASG.”<sup>330</sup> Moreover, he mentioned that ASG leaders have also “mastered the skills” of colluding with various lawless elements to conduct kidnappings and other criminal activities.<sup>331</sup> He argues that the problems emanating from the ASG are an offshoot of long decades of conflict in the Southern Philippines. These “complex tensions” sprouted the collaboration of “criminal, political, and militant groups” with shared common objectives and goals for the betterment of Mindanao.<sup>332</sup>

Some local politicians in Western Mindanao reportedly protected some leaders and members of the ASG because some of these politicians are also benefiting from the criminal and other illegal activities of the ASG.<sup>333</sup> Based on the records and assessment of the PNP, prior to a national or local election, kidnapping incidents increased in Western Mindanao.<sup>334</sup> Some local politicians allegedly financed kidnapping operations in collusion with the ASG to generate funds for their political ambition.<sup>335</sup> These politicians also employed some members of the ASG as “part of their private militias.”<sup>336</sup>

Although the ASG remains as a terrorist organization, however, some of its members have realized that it is far better to do kidnapping operations because of the utmost rewards that come with it, which are money and power.<sup>337</sup> According to Banlaoi, some of its sub-commanders have become more interested or motivated in doing kidnapping operations than the promise of establishing a separate and independent Islamic state in Mindanao.<sup>338</sup> The collusion and collaboration of the ASG with various lawless elements and some crooked politicians not only perpetuate the tensions and

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<sup>330</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 91–92.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid., 87.

<sup>333</sup> Ibid., 92.

<sup>334</sup> Lowe, “Kidnapping Cases Could Rise Amid Philippine Election Season.”

<sup>335</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 92.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

violence in the southern part of Mindanao, but it has also become the primary source of resiliency of this terrorist organization.<sup>339</sup>

## **E. CONCLUSION**

Although organized crime and terrorist organizations demonstrate some similarities and differences, it is hard to distinguish their unique characteristics in terms of crime and terrorism because in most cases, they are fused at various levels. As Makarenko concludes, most terrorist groups today do not always behave in a rational way; in some cases, their actions and behaviors can be unpredictable.<sup>340</sup> As criminal and terrorist organizations operating in the southern part of Mindanao have mutated into a single entity or are known as “hybrid organizations,” the Philippine government must anticipate its strategy and be flexible and responsive to the changing security situation on the ground.<sup>341</sup>

Makarenko’s CTC model is a good theoretical framework, which provides a better understanding of the complex relationship between organized crime and terrorist organizations. The ASG will continue to use criminal methods, particularly kidnapping, because it is the most practical avenue to secure funds for its operations and continuous survival. The alliance formed by the ASG with various lawless elements has proven crucial for its survival, and it will be a long-term relationship. Lawless elements and other criminal groups in the southern part of Mindanao provide not only additional armed members, but also expertise and critical operational support for future terrorist operations.

Without money as the life blood of any organization and cessation of foreign funding from other international terrorist organizations, the ASG will remain a “hybrid organization” and will not forego strong alliances with lawless elements and other criminal groups in the Western part of Mindanao. Criminal activities will remain a potent weapon or operational tool of this group. The ASG had acquired millions of pesos from

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<sup>339</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 93.

<sup>340</sup> Makarenko, “Terrorism and Transnational Organized Crime,” 184–185.

<sup>341</sup> Warshawsky, “Re-Examining the Crime-Terror Continuum,” 32.

its kidnapping activities; thus, abandoning these criminal acts may just create opposition and conflict among its sub-commanders and members. If money is the lifeblood of any organization, it can also be the root of internal conflict and jealousy among and between its members.

## IV. THE ABU SAYYAF GROUP'S KIDNAPPING ACTIVITIES

James J.F. Forest claims that getting the exact data about kidnapping incidents globally is quite impossible to achieve because of the complexities of how governments and families of kidnap victims respond or handle the hostage situations.<sup>342</sup> In most cases, details of the negotiations and ransom payments remain secret because in most countries, it is the prerogative of the victim's families to seek or not seek the help of the authorities to resolve the situation. In most countries and as part of their counterterrorism measures, it is a state policy of no negotiation or concessions to any terrorist organization. In some cases, however, the government policy of no concession or no ransom payment may put the lives of the kidnap victims at risk.

To clearly understand the main source of financing of the ASG, specifically the Kidnap-for-Ransom (KFR) operations, this chapter highlights and provides an in-depth analysis of the ASG's kidnapping activities and trends from 2000 to 2014. It also outlines and explains the motivations and modus operandi of the group. Some of the factors that contribute to the relentless kidnappings are also discussed in this chapter. The period covered is sub-divided into six distinct periods and highlights some notable factors and explanations about the decline or surge of kidnapping incidents in Mindanao, especially in Zamboanga Peninsula, Basilan, and the Sulu Archipelago. Additionally, this section discusses the ASG's motivations, ransom scheme, modus operandi, and significant factors that contribute to the relentless kidnappings in the southern part of Mindanao.

### A. ANALYSIS OF THE ABU SAYYAF GROUP'S KIDNAPPING TRENDS

Because of the ASG's desire to gain the attention of international terrorist organizations and other extremist groups and personalities, it embarked on a series of kidnappings, which explains the prevalence of kidnapping incidents from 1991 to 1999.<sup>343</sup> This period also explains why the majority of the victims were non-Muslims.

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<sup>342</sup> James J.F. Forest, "Global Trends in Kidnapping by Terrorist Groups," *Global Change, Peace & Security* 24, no. 3 (October 8, 2012): 313-314, DOI: 10.1080/14781158.2012.714766.

<sup>343</sup> Philip Alvarez, "A Case Study on ASG Group Kidnapping for Ransom: Okonek-Dielen Kidnapping" (master's thesis, Ateneo De Manila University, January 2016), 2.

During this period, kidnapping activities served as the main source of funds of the ASG and its continued existence. In the same manner, the kidnappings allowed the group to project itself as a dedicated and genuine Islamic movement in the southern Philippines.<sup>344</sup> See Figure 6.

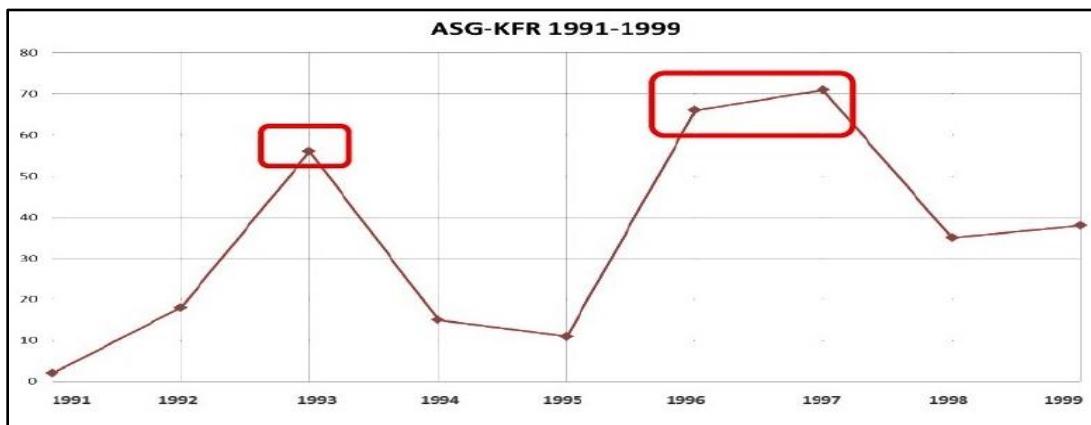
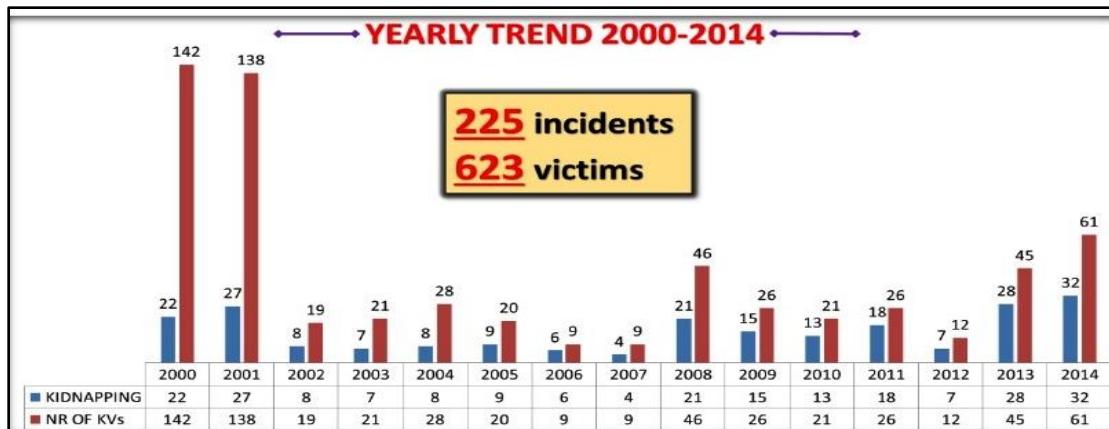


Figure 6. ASG Kidnapping Incidents 1991–1999.<sup>345</sup>

From 2000 to 2014, an upsurge in ASG's KFR activities led to a total of 225 recorded incidents, with 623 kidnap victims. The group carried out both high-impact and small-scale kidnappings during this period, targeting locals as well as foreign nationals within and outside the group's traditional areas of operations. See Figure 7.

<sup>344</sup> Alvarez, "A Case Study on ASG Group Kidnapping for Ransom," 2.

<sup>345</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).



Legend: KIDNAPPING – Pertains to the number of incidents or cases of abduction perpetrated by the ASG. NR OF KV's – Number of Kidnap Victims of the ASG.

Figure 7. ASG Kidnapping Incidents 2000–2014.<sup>346</sup>

For 2000 to 2001, there was an increase in kidnapping incidents, which can be attributed to the death of the previous *Amir*, ASG founder Abdurajak Janjalani. Based on the assessment of the AFP, during this period, the international terrorist organizations, specifically Al Qaeda, cut their financial support to the ASG amid the death of the group's founder.<sup>347</sup> Also, this period was characterized by instability for the leadership of the ASG because some sub-commanders were aspiring to become *Amir*.<sup>348</sup>

In this period, the ASG was heavily involved in kidnapping activities. In year 2000–2001 alone, there were 142 incidents of kidnapping that resulted in the death of 16 victims; all of them were attributed to the ASG.<sup>349</sup> From 2000 to 2001, the ASG gained its notoriety in the conduct of kidnapping due to its involvement in the series of high-profile kidnapping activities in the towns of Sumisip and Lamitan, both of Basilan Province; Dos Palmas Beach Resort, Puerto Princesa, Palawan; and Sipadan Island, Sabah, Malaysia. In the town of Sumisip, Basilan, 60 public school teachers and children were abducted and used as

<sup>346</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

<sup>347</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom,” 55.

<sup>348</sup> Ibid.

<sup>349</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 18.

human shields by the ASG when they entered the town of Lamitan.<sup>350</sup> In 2001, they embarked on a cross-border kidnapping where 21 tourists were abducted in Sipadan Island, Malaysia. Then later that year, despite intense military operations, the Philippine government was caught off-guard when the ASG abducted three Americans and 20 other tourists at the Dos Palmas Beach Resort in Palawan.<sup>351</sup> See Figure 8.

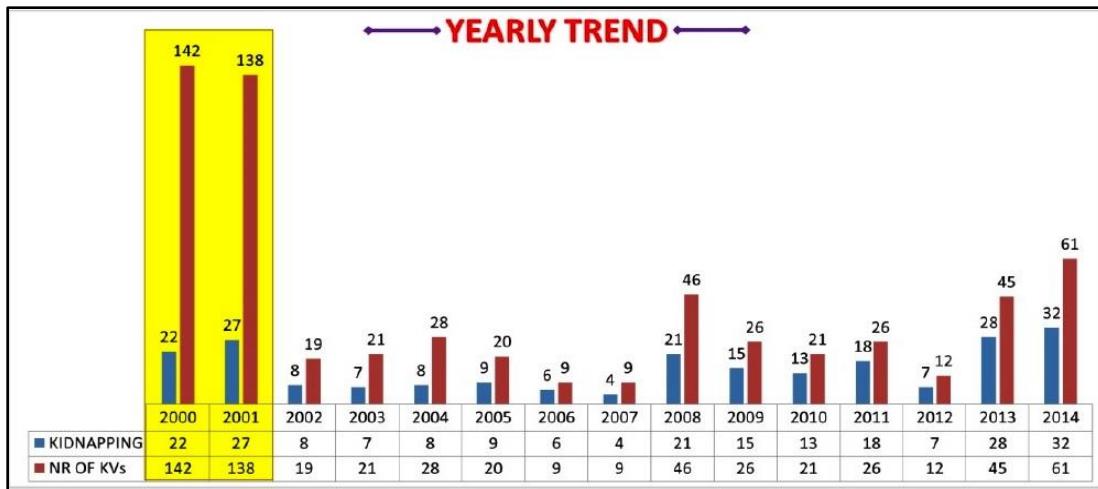


Figure 8. ASG Kidnapping Trends (Focus on 2000–2001).<sup>352</sup>

For 2002 to 2007, a drastic decline of kidnapping incidents was noted. This decline of kidnapping incidents was primarily attributed to the arrest and neutralization of some key personalities of the ASG. The intense military operations conducted by the AFP drove its key leaders and other sub-commanders to seek temporary protection and relief in central Mindanao.<sup>353</sup> Also, during this period, the resurgence of bombing operations of the ASG was noted. During this period, the ASG was preoccupied with bombing operations, which was also a factor in the decline of kidnapping incidents.<sup>354</sup> ASG's support teams in urban areas became preoccupied with procuring IED

<sup>350</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 18.

<sup>351</sup> Ibid.

<sup>352</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

<sup>353</sup> Banlaoi, *Al-Harakatul Al-Islamiyah*, 56.

<sup>354</sup> Alvarez, "A Case Study on ASG Group Kidnapping for Ransom," 56.

components and casing their possible targets for bombing operations. These bombing operations were believed to be conducted in collaboration with other threat groups—JI, Rajah Solaiman Movement, MILF-Special Operations Group—and other lawless elements operating in the southern Philippines.<sup>355</sup> See Figure 9.

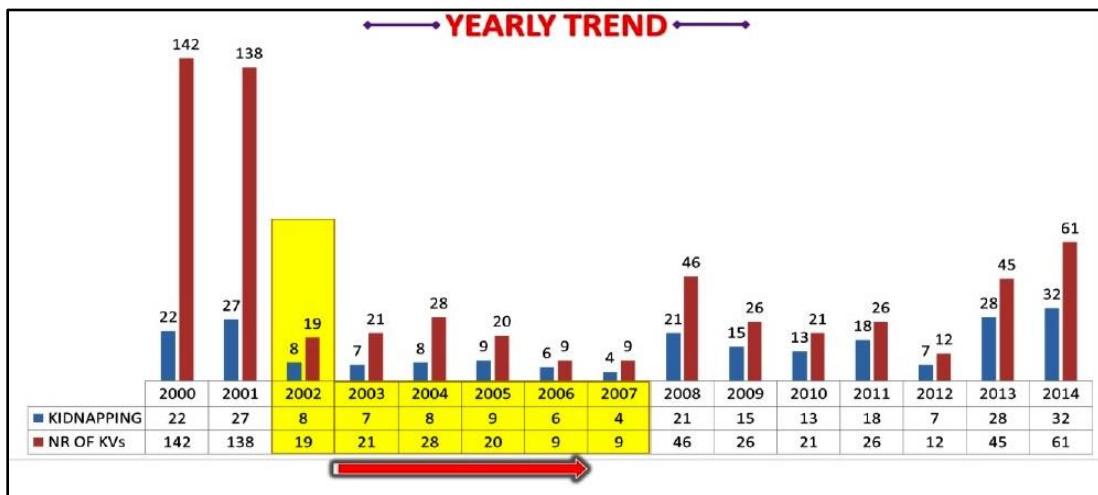


Figure 9. ASG Kidnapping Trends (Focus on 2002–2007).<sup>356</sup>

In 2008, however, resurgence in ASG-perpetrated KFR activities was noted. The sudden spike in kidnappings on that year may be attributed to the death of its key leaders, Khadaffy Janjalani and Jinal Antel Sali, in 2006 and 2007, respectively. The ensuing power vacuum caused the loss of a central leadership, which gave ASG sub-leaders a free hand to manage their operations. Consequently, small-scale kidnappings and “express kidnappings,”<sup>357</sup> targeting local ordinary workers became rampant, especially in the group’s traditional areas of operation. The only high-profile kidnapping incident recorded

<sup>355</sup> Gerdes, Ringler, and Autin, “Assessing the Abu Sayyaf Group’s Strategic and Learning Capacities,” 269.

<sup>356</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

<sup>357</sup> Cases wherein the ASG does not conduct planning and surveillance and simply seizes the victim when the opportunity arises. They will ask for a small amount of ransom payment so the families or relatives of the victim(s) can produce the money in the soonest possible time. Thus, the ASG has no burden of keeping its hostages for a long time or engaging in long negotiations.

that year was the kidnapping of ABS-CBN correspondent Ces Drilon and two of her crew in Sulu on June 2008.<sup>358</sup> See Figure 10.

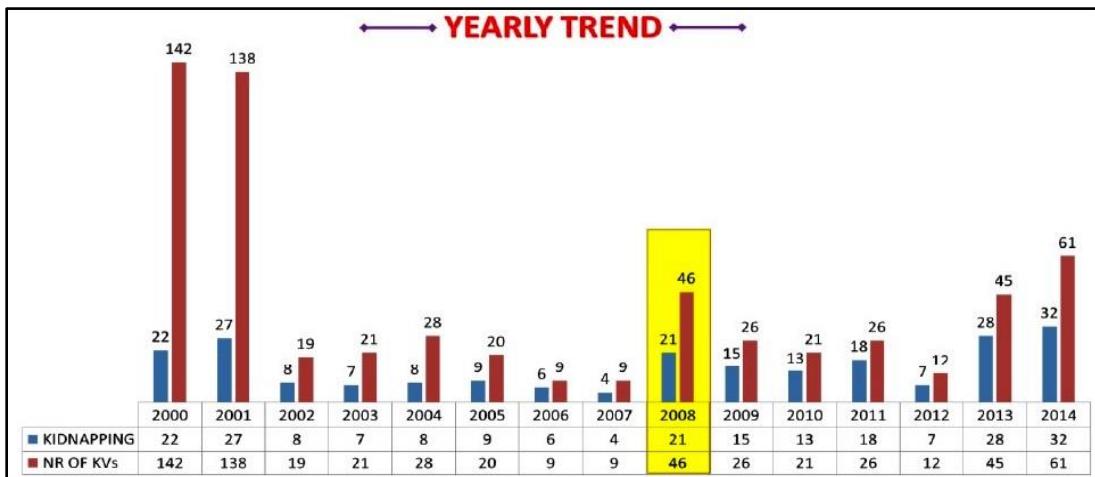


Figure 10. ASG Kidnapping Trends (Focus on 2008).<sup>359</sup>

For 2009 to 2011, kidnappings continued to be the trend, but this time, more affluent individuals and foreign nationals were the preferred targets of the ASG. Also, this period shows that the ASG was slowly improving its operational capabilities and support network in terms of conducting kidnapping operations.<sup>360</sup> See Figure 11.

<sup>358</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom,” 56.

<sup>359</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

<sup>360</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom,” 57.

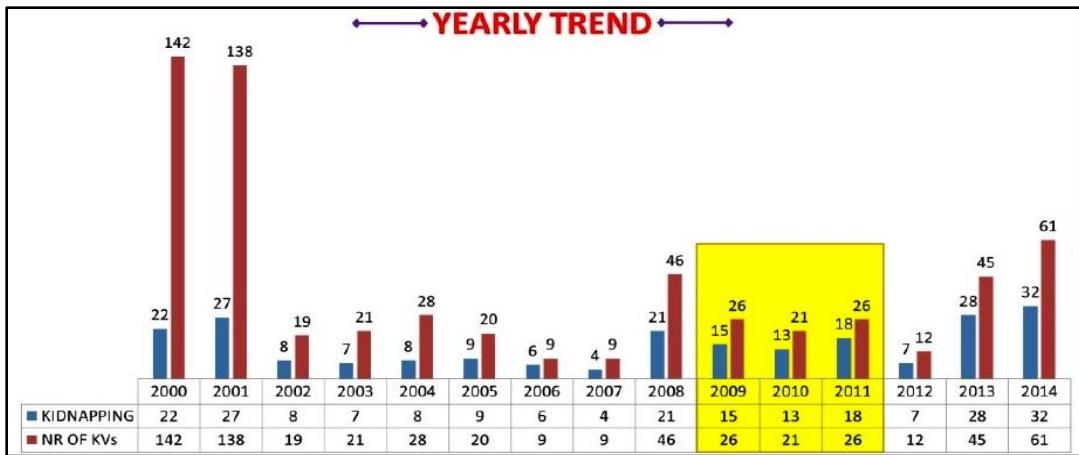


Figure 11. ASG Kidnapping Trends (Focus on 2009–2011).<sup>361</sup>

For 2012, this period recorded a decrease of ASG kidnapping, which can be attributed to the extended detention of several kidnap victims who were abducted in 2010 and 2011. See Figure 12.

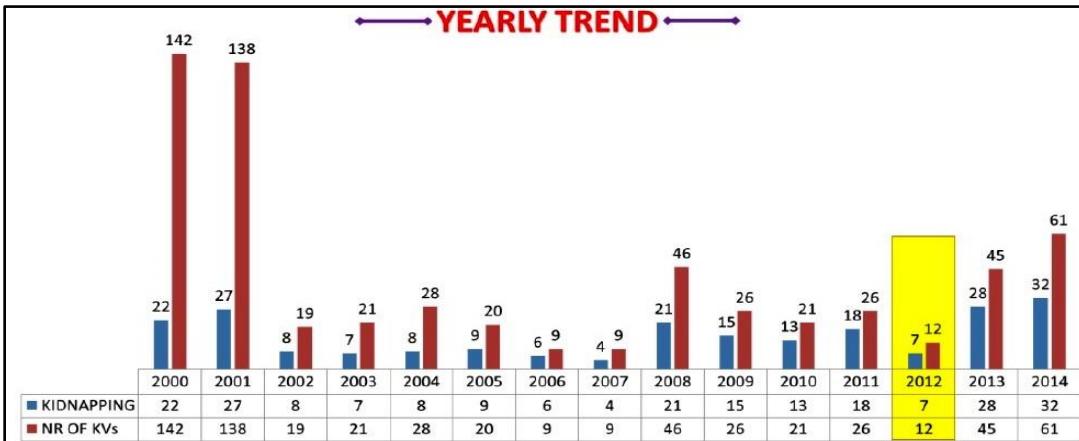


Figure 12. ASG Kidnapping Trends (Focus on 2012).<sup>362</sup>

For 2013 to 2014, the ASG engaged in both small-scale and high-profile kidnappings. Based on the data obtained, some kidnapping incidents are not reported or

<sup>361</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

<sup>362</sup> Ibid.

recorded because some kidnap victims were released even before it came to the attention of the police. Sometimes relatives of the kidnap victims opted to stay silent and negotiate with the kidnappers without any help from the authorities. Small-scale kidnappings became the most favored scheme among the ASG and other lawless elements because negotiation would only last from a matter of hours to a few days. The ransom payment from this scheme ranges from a minimum of PHP5,000 to hundreds of thousands of pesos (US\$150 to US\$2,000).

Based on the study conducted by Alvarez, this incidence of small-scale kidnappings was observed to be a rampant or “almost daily event” in 2014.<sup>363</sup> He claims that there were at least 90 incidents of small-scale kidnappings in 2014 alone that were not reported to the law enforcement authorities. See Figure 13.

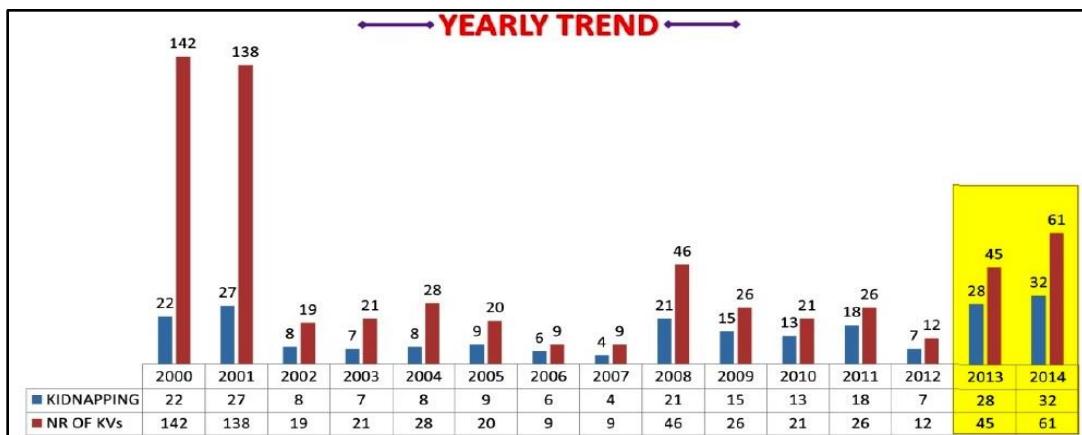


Figure 13. ASG Kidnapping Trends (Focus on 2013–2014).<sup>364</sup>

With regard to the ransom amount, the Philippine government vehemently denied that ransom had been paid for the release of some of the kidnap victims. The military insisted that full-scale military operations had pressured the ASG to free some of the hostages. There was one video clip uploaded to the Internet, however, which showed a crisp stash of PHP 1,000-peso bills allegedly paid by the German couple who were

<sup>363</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom,” 59.

<sup>364</sup> Source: Office of the Deputy Chief of Staff for Intelligence, OJ2, *ASG Kidnapping for Ransom Activities* (Quezon City: IRAD, 2014).

abducted last 2015 between the waters off Sabah, Malaysia and Palawan, Philippines. Nevertheless, it is general knowledge in Mindanao that most kidnap victims paid a certain amount for their freedom. In most cases, the Philippine government is not privy to the ransom payment between the abductors and relatives of the kidnap victims. Caren Gwen Mayola claims that in 2010, the ASG earned around US\$704,000 in ransom payments.<sup>365</sup>

As already noted, there are instances when relatives of kidnap victims opted to negotiate directly with the abductors utilizing reliable contacts or middlemen who could establish reliable communication lines between the families and the kidnappers. Because of the limited information about the ransom payment, the only data that can be obtained is from 2010 to 2014. This data is only an estimated ransom amount paid to the ASG during the said period. See Figure 14.

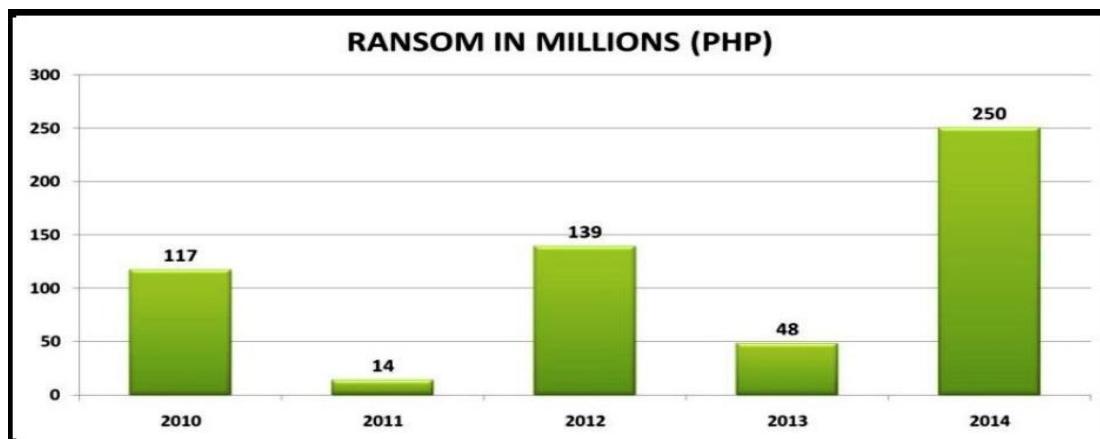


Figure 14. ASG Estimated Ransom Amount (Period Covered 2010–2014).<sup>366</sup>

Table 1 shows the number of kidnap victims, to include their nationalities, who are still in captivity of several threat groups in Mindanao. At present, the ASG is still holding 31 kidnap victims. Some of these victims had been in captivity since 2010 and 2011.

<sup>365</sup> Mayola, "Crime and Terror Nexus in Terrorist Financing Philippines."

<sup>366</sup> Source: Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014).

Table 1. Number of Kidnap Victims by Threat Groups (Period Covered: 2010–2011).<sup>367</sup>

Nationality	Number of Kidnap Victims held captive by Threat Group (Period Covered: 2010–2015)					Total
	ASG	MNLF	MILF	Lawless Elements	Unidentified Groups	
Japanese	1					1
Chinese	2					2
Dutch	1					1
Arab					1	1
Filipino	11	1	5	5	33	55
Canadian	2					2
Indonesian	10					10
Malaysian	4					4
<b>TOTAL</b>	<b>31</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>34</b>	<b>77</b>

## B. MOTIVATIONS, RANSOM SCHEME, AND MODUS OPERANDI

In her book, *10 Days, 10 Years: From Bin Laden to Facebook*, Maria Ressa argues that the core motivation of the ASG is relatively hard to comprehend as compared with the motivation of Al Qaeda, which is simple and universal in nature.<sup>368</sup> She claims that the terrorism problem in the Philippines is not ideological because “the root causes of the problems” stem from the unaddressed grievances of the Muslim population such as rampant corruption and a bad political system in which only the elite have control and influence over resources and little is being shared with the people.<sup>369</sup>

Forest claims that terrorist organizations resort to kidnap for ransom “to achieve two kinds of goals: political or financial.”<sup>370</sup> He also writes that terrorist groups are motivated to get involved in kidnappings because of vengeance, protection of their organizational secrets, or to create an environment of fear to coerce and control the local

<sup>367</sup> Adapted from Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014).

<sup>368</sup> Maria Ressa, *10 Days, 10 Years: From Bin Laden to Facebook* (Mandaluyong City: Anvil, 2012), 9.

<sup>369</sup> Ibid.

<sup>370</sup> Forest, “Global Trends in Kidnapping by Terrorist Groups,” *Global Change, Peace & Security*, 322.

populace.<sup>371</sup> Forest asserts that some terrorist groups' motivation is also to seek publicity or attention.<sup>372</sup> As Phil Williams observed about the phenomenon of kidnapping activities in Iraq, most terrorist groups use kidnappings as a way of getting much attention because it provides a sense of statement and importance for the organization.<sup>373</sup> Cindy Combs' argument about hostage taking and kidnapping is similar to Williams' claim.<sup>374</sup> She argues that because audience and public attention are crucial to any terrorist attacks, this tactic has been proven effective.<sup>375</sup> Thus, it is appealing to the terrorists because they can control both the length of the incident and media coverage.<sup>376</sup>

Based on recent information obtained from various field reports, there are three main reasons why the ASG resorts to kidnapping. First is economics; the lack of access to personal advancement prompts the locals to engage in kidnapping or to join the ASG in this criminal activity.<sup>377</sup> Second is the socio-cultural reason; the funds that the ASG obtains through its kidnapping activities also help the communities and in some way alleviate poverty in those areas by providing financial assistance to the poor families.<sup>378</sup> Thus, the people would continue to support the ASG, and this group may win the hearts and minds of the populace within its area of operation and influence. Finally, although ransom money is being divided among its members for personal sustenance, it is also crucial for the group's operational capabilities.<sup>379</sup> Funds obtained from these criminal activities go to the procurement of firearms, ammunition, explosives, speed boats,

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<sup>371</sup> Forest, "Global Trends in Kidnapping by Terrorist Groups," *Global Change, Peace & Security*, 24, no. 3 (October 8, 2012): 322, DOI: 10.1080/14781158.2012.714766.

<sup>372</sup> Ibid.

<sup>373</sup> Phil Williams, *Criminals, Militias and Insurgents: Organized Crime in Iraq* (Carlisle, PA: US Army War College, Strategic Studies Institute, 2009), 111, quoted in James J.F. Forest, "Global Trends in Kidnapping by Terrorist Groups," *Global Change, Peace & Security*, 24, no. 3 (October 8, 2012): 322, DOI: 10.1080/14781158.2012.714766.

<sup>374</sup> Cindy C. Combs, *Terrorism in the Twenty-First Century*, 4<sup>th</sup> ed. (Upper Saddle River, NJ: Pearson/Prentice Hall, 2006), 144.

<sup>375</sup> Ibid.

<sup>376</sup> Ibid.

<sup>377</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 3.

<sup>378</sup> Ibid.

<sup>379</sup> Ibid.

vehicles, and other operational requirements either for the next kidnapping activities or bombing attacks.<sup>380</sup>

### **C. FACTORS THAT CONTRIBUTE TO KIDNAPPINGS**

The security situation in Mindanao, particularly in Basilan, Sulu, and Tawi-Tawi, has been persistently cited as the usual destination or hiding place for kidnap victims; reportedly, the security situation in those areas is extremely dangerous; travelling to the southern part of the Philippines is discouraged or must be done with extreme caution.<sup>381</sup> In an April 21, 2016 travel warning, the U.S. Department of State says that “U.S. citizens to avoid all non-essential travel to the Sulu Archipelago and through the southern Sulu Sea, and to exercise extreme caution when traveling to the island of Mindanao, due to continued terrorist threats, insurgent activities and kidnappings.”<sup>382</sup> Because of this adverse presentation of Mindanao and unexplained occurrences of bombings and abductions, there are frequent unfavorable travel advisories from foreign countries not to visit Mindanao every time there is a terrorist attack or kidnapping incident.<sup>383</sup> The situation is rather more complicated than media portrayals suggest, including several salient contributing factors.

First, the Philippine government has failed to implement strictly the “no negotiation with terrorists” and no-ransom policies. Some local politicians are requested by the families of the kidnap victims to facilitate the negotiations and the eventual payment of ransom.<sup>384</sup> Caren Gwen Mayola claims that local politicians are the most preferred hostage negotiators because of their connections with the ASG.<sup>385</sup> One good example of this situation was when a local politician was utilized as hostage negotiator on

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<sup>380</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 3.

<sup>381</sup> “Philippines Travel Warning,” U.S. State Department, accessed June 30, 2016, <https://travel.state.gov/content/passports/en/alertswarnings/philippines-travel-warning.html>.

<sup>382</sup> Ibid.

<sup>383</sup> Ibid.

<sup>384</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 6.

<sup>385</sup> Mayola, “Crime and Terror Nexus in Terrorist Financing Philippines.”

behalf of Warren Rodwell, an Australian citizen who was abducted in his residence at the municipality of Ipil, Zamboanga Sibugay Province in 2012.<sup>386</sup> Such politicians can effectively facilitate the negotiation because they know exactly who can be employed as negotiators who can effectively communicate with the ASG.<sup>387</sup>

Kinship plays an important role in this kind of situation because it is an inherent custom and tradition among Muslims in the Philippines.<sup>388</sup> Although it is a clear violation of state policy about negotiation and ransom payment, some local politicians get involved in the negotiation, whose sole objective is the safety and release of the kidnap victims.<sup>389</sup> But it is a general perception in Mindanao that some unscrupulous politicians get a cut from ransom payment. Although it has been a problem, especially in Basilan and Sulu provinces, it is hard to validate or find credible witnesses to press charges against those unscrupulous government officials.<sup>390</sup>

Second, the PNP Anti-Kidnapping Group (AKG), particularly its sub-units in Mindanao, seems unable to accomplish its mandate to curb or dismantle lawless elements who are involved in relentless kidnapping activities in the area.<sup>391</sup> In most cases, it, too, engages in the negotiation for the release of kidnap victims.<sup>392</sup> This kind of ineffectiveness and unclear function of the PNP-AKG further undermines the efforts and capability of the government to preempt kidnap for ransom activities. The PNP-AKG is a well-organized unit of the police. Although it is not well-equipped in terms of state of the art technology, it has extensive experience and is properly trained in hostage situations. Confronting a hybrid organization, however, like in the case of the ASG, is a different

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<sup>386</sup> Geoff Chambers, “Freed Hostage Warren Rodwell Kidnapped After Love Took Him to Philippine Region of Mindanao,” *New Corps Australia Network*, accessed June 30, 2016, <http://www.news.com.au/national/freed-hostage-warren-rodwell-kidnapped-after-love-took-him-to-philippine-region-of-mindanao/story-fncynjr2-1226609494451>.

<sup>387</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 6–7.

<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

matter as compared to some small-time kidnapping syndicates in other parts of the country. Confronting a terrorist organization that employ criminal methods and collaborating with other lawless elements have been a daunting task for the PNP-AKG.<sup>393</sup> The ASG has emplaced a network of support agents and has learned a lot in KFR activities in collaboration with other lawless elements.<sup>394</sup>

Finally, the Philippines' extensive coastlines and porous border, as well as the inadequate maritime patrol and law enforcement capabilities, make the country more vulnerable to cross-border kidnapping. This kind of geographical situation is the primary reason why the ASG brazenly abducts someone within the territory of Sabah, Malaysia and within the territorial waters of Indonesia. The coastlines of Zamboanga peninsula alone seem to be an enormous job for maritime units of the police, Philippine Coast Guard, and Philippine Navy. Most kidnapping incidents led to the recovery of burned vehicles near the coastline in which the abductors transferred the kidnap victims into a motorized boat then sped away, going to Basilan or Sulu.<sup>395</sup>

#### **D. CONCLUSION**

The ASG's evolution into a hybrid organization and combined use of terrorism and crime as a tool made it a more challenging threat for the government, particularly the relentless KFR activities in Mindanao. These illicit activities have greatly affected the economy and tourism industry of the southern Philippines as well as the international reputation and image of the country. The ASG attempted to politicize its cause by justifying kidnapping as part of its ideological and political struggle "to establish an independent Islamic state"<sup>396</sup> in Mindanao. Actual motivation remains fund generation and the personal gain of its members. Funds derived from ransom payments are used for personal sustenance and to procure logistics, firearms, watercrafts and other war materiel.

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<sup>393</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 6–7.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

<sup>396</sup> Fellman, "Abu Sayyaf Group," 2.

The ASG remains the most serious threat and is continuously the primary concern with regard to peace and security of the country as a whole. The fusion of terrorism and crime enable the ASG to survive and remain a formidable foe, and this group would continue to evolve and adapt to the counterterrorism measures and strategy. Joint and integrated efforts of all stakeholders are crucial in this aspect and present efforts must be readjusted to confront and effectively address this concern.

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## V. THE PHILIPPINE GOVERNMENT'S APPROACH TO COUNTERTERRORISM

Daljit Singh claims that some Southeast Asian countries, particularly the Philippines, have a long history of political violence in which insurgent groups employ terrorism as a tactic to achieve their objectives.<sup>397</sup> He points out that because of continuous violence and threats of terrorism, Southeast Asian countries' economies, foreign investment, and international reputations are heavily affected.<sup>398</sup> Rommel Banlaoi asserts that, based on the 2013 *Country Reports on Terrorism* published by the U.S. Department of State, terrorism remains the most pressing security concern of the Philippines. Specifically, the country remains vulnerable to threats and other acts of terrorism emanating from non-state actors who are "involved in insurgency, banditry, and other violent activities."<sup>399</sup> The Philippines' war against terrorism has been waged for almost five decades. This internal conflict has drained the country's resources, and it has burdened the country's economy and law and order.

This chapter discusses the evolution and salient points of the Philippine counterterrorism strategy and examines the four critical approaches—inter-agency cooperation, legislation, intelligence collaboration, and military operations. Although it seems that the current CT strategy and approaches are doing well against the ASG, they have innate weaknesses and need further restudy to be more responsive in recognizing the ASG as a hybrid organization. This chapter contends that to implement effectively the national strategy for counterterrorism as embodied in the National Security Policy (NSP) of 2011–2016, the Philippine government must rectify its errors and inherent weaknesses on these four approaches to counterterrorism.

The chapter is organized in six parts: the first part highlights the Philippine counterterrorism strategy and policy. The second part examines the inter-agency

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<sup>397</sup> Daljit Singh, "Responses to Terrorism in Southeast Asia," *Journal of Policing, Intelligence and Counter Terrorism* 4, no. 1 (2009): 15, DOI: 10.1080/18335300.2009.9686921.

<sup>398</sup> Ibid.

<sup>399</sup> Banlaoi, "Current Terrorist Groups and Emerging Extremist Armed Movements in the Southern Philippines," 164.

coordination and integration and how it functions and supports the fight against terrorism. The third part discusses the legislative measures focusing on the anti-terrorism law that was enacted to combat terrorism. The fourth part outlines the intelligence approach and measures and how other government agencies contribute to strengthen gathering and sharing of information. The fifth part explains the military approach in which the Armed Forces of the Philippines lead the role. The sixth and seventh parts outline some of the significant problems or gaps identified in relation with the CT strategy and approach. Lastly, the chapter concludes and analyzes how the Philippine counterterrorism strategy can assist in understanding the ASG as a hybrid organization.

#### **A. NATIONAL COUNTERTERRORISM STRATEGY AND POLICY**

As stated in the Philippine National Anti-Terrorism Strategy, undoubtedly terrorism is a multi-faceted and complex challenge that needs a comprehensive strategy, which can address all aspects of the underlying causes of the problems.<sup>400</sup> The goal of such a strategy is to “create a seamless web of activities” aimed at mitigating the impact of contemporary terrorism while ensuring that the rule of law prevails.<sup>401</sup> Furthermore, Allan Behm and Michael Palmer argue that an effective strategy should be proactive, rather than reactive.<sup>402</sup> According to Manalo, however, the Philippine approach to counterterrorism “remains reactive, rather than decisive and strategic,” and it has failed to provide a long term solution to the problems.<sup>403</sup>

The Philippine government’s response to terrorism has been implemented in various approaches and forms. Notable is the Republic Act 9372 or the Human Security Act (HSA) of 2007; this law was enacted by the Philippine Congress to guide all government efforts in the fight against terrorism. Chester Cabalza mentions that this law provides a legal framework for counterterrorism strategy and security policies to ensure

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<sup>400</sup> National Intelligence Coordinating Agency, *The National Anti-Terrorism Strategy*, Anti-Terrorism Council (Quezon City: ATC Secretariat, 2009).

<sup>401</sup> Ibid.

<sup>402</sup> Allan J. Behm and Michael J. Palmer, “Coordinating Counterterrorism: A Strategic Approach to a Changing Threat,” *Terrorism* 14, no. 3 (2008): 175, DOI: 10.1080/10576109108435874.

<sup>403</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 73.

that all actions are done within the bounds of the law.<sup>404</sup> As stated in Section 2, Paragraph 1 of the HSA of 2007, “it is the policy of the state to protect life, liberty, and property from acts of terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against the law of nations.”<sup>405</sup>

Aguirre writes that as a member of the United Nations, the Philippines actively adhere to international conventions as well as to some bilateral and multi-lateral treaties that would “prevent, suppress and counter all forms of terrorism.”<sup>406</sup> With this commitment, he claims that the Philippines became an “active proponent and signatory to the ASEAN and APEC Declarations” to combat terrorism and actively cooperate and collaborate with its regional neighbors and other allies.<sup>407</sup> The Philippines ratified and signed the UN Security Council Resolution Numbers 1373, 1267, and 1390 on terrorism. Manalo asserts that to enhance cooperation and to effectively combat terrorism, the Philippine government must engage its regional partners and other allies, particularly the ASEAN, and the United States.<sup>408</sup>

In 2001, the Philippine government declared its national policy on counterterrorism through the “Fourteen Pillars of Policy and Action against Terrorism.” This policy was articulated in the Presidential Memorandum Order 37 (2001), and the key principles are the following:

1. Supervision and implementation of policies and actions of the government against terrorism
2. Intelligence coordination
3. Internal focus against terrorism
4. Accountability of public and private corporations and personalities

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<sup>404</sup> Cabalza, “Deconstructing Human Security in the Philippines,” 2.

<sup>405</sup> “Human Security Act of 2007,” Congress of the Philippines, accessed August 15, 2016, <https://www.senate.gov.ph/republic Acts/ra%209372.pdf>.

<sup>406</sup> Aguirre, “The Philippine Response to Terrorism,” 59.

<sup>407</sup> Ibid.

<sup>408</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 10–11.

5. Synchronizing internal efforts with global outlook
6. Legal measures
7. Promotion of Christian and Muslim solidarity
8. Vigilance against the movement of terrorists and their supporters, equipment, weapons and funds
9. Contingency plans
10. Comprehensive security plans for critical infrastructure
11. Support of overseas Filipino workers
12. Modernization of the Armed Forces of the Philippines and the Philippine National Police
13. Media support
14. Political, social and economic measures<sup>409</sup>

In June 2009, the Anti-Terrorism Council (ATC) approved the National Anti-Terrorism Strategy (NATS). The goal of this strategy is to effectively counter terrorism and to achieve a “physically and psychologically secure environment conducive for peace and socio-economic development.”<sup>410</sup> It has the following objectives:

1. To protect life, liberty and property from acts of terrorism
2. To condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the Filipino people
3. To make terrorism a crime against the Filipino people, against humanity and against the law of nations<sup>411</sup>

Several concepts guide the implementation of the strategy. First, it must be a comprehensive approach that considers the terrorist threat as hindrance to economic

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<sup>409</sup> “Fourteen Pillars of Policy and Action Against Terrorism,” Official Gazette of the Republic of the Philippines, accessed May 18, 2016, [http://dict.gov.ph/wp-content/uploads/2014/07/MO37\\_s2001\\_CriticalInfra.pdf](http://dict.gov.ph/wp-content/uploads/2014/07/MO37_s2001_CriticalInfra.pdf).

<sup>410</sup> National Intelligence Coordinating Agency, *The National Anti-Terrorism Strategy*, Anti-Terrorism Council (Quezon City: ATC Secretariat, 2009).

<sup>411</sup> Ibid.

stability peace and security.<sup>412</sup> As stated in the National Security Policy (NSP) of 2011–2016, counterterrorism requires a comprehensive approach that takes into consideration the political, economic, diplomatic, military, and legal aspects to fully understand and properly address the root causes of the problems.<sup>413</sup> Second, it is collaborative in the sense that it involves the entire government machinery and is in partnership with the private sector and local communities in developing and delivering an adaptable anti-terrorism strategy.<sup>414</sup> Public awareness of the threat, understanding of the government measures, and active support and cooperation with law enforcers are crucial to the success of the strategy.<sup>415</sup> Through the national anti-terrorism strategy, the Philippine government may be able to achieve a secure and peaceful environment conducive to progress and sustainable development.<sup>416</sup>

Moreover, the NSP of 2011–2016, “Securing the Gains of Democracy,” which was promulgated by President Benigno Aquino, complements the HSA of 2007. As stated in the National Crisis Management Core Manual, the NSP “is a statement of principles that guide national decision-making and determine courses of action to be taken to attain the state or condition wherein the national interest, the well-being of the people and institutions, and the sovereignty and territorial integrity are protected and enhanced.”<sup>417</sup> In relation to combating terrorism, the NSP “emphasizes a multi-level and multi-disciplinary approach and the enlisting of support from domestic and international allies.”<sup>418</sup>

Generally, the NSP outlines a three-tiered defense system that comprises the “enhancement of the intelligence capabilities, protection and security of vulnerable

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<sup>412</sup> “Securing the Gains of Democracy: National Security Policy 2011–2016,” Official Gazette of the Republic of the Philippines, accessed May 10, 2016, <http://www.nsc.gov.ph/index.php/national-security-policy-2011-2016>.

<sup>413</sup> Ibid.

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.

<sup>416</sup> National Intelligence Coordinating Agency, *The National Anti-Terrorism Strategy*.

<sup>417</sup> “Securing the Gains of Democracy: National Security Policy 2011–2016,” Official Gazette of the Republic of the Philippines.

<sup>418</sup> Ibid.

targets, and enhancement of readiness and preparedness in the event of a successful terrorist attack.”<sup>419</sup> According to this document, to achieve all of these, the Philippine government must enhance its security counter-measures, apply effective legislative and legal measures, and employ effective mechanisms to prevent or preempt terrorist attacks and prevent individuals from resorting to acts of terror.<sup>420</sup> Ananda Devi Domingo-Almase claims that the NSP provides a strategic guidance “to strengthen public institutions, protect the environment, combat terrorism, engage in regional cooperation, and modernize the armed forces.”<sup>421</sup>

## **B. INTER-AGENCY COORDINATION AND INTEGRATION**

Coordination is critically important in the implementation of the national strategy and policy to combat terrorism. It pertains to the “effective and efficient integration of all efforts and responses of the government” to address terrorism and root causes of the problems.<sup>422</sup> According to Lynn Davis, Gregory F. Treverton, Daniel Byman, Sara A. Daly, and William Rosenau, “coordination is a word more used than understood in government.”<sup>423</sup> They claim that it is prone to mistakes and other organizational concerns if individual departments will operate separately and decide for themselves without proper coordination.<sup>424</sup> To attain and ensure the unity of efforts requires inter-agency coordination among different departments and agencies of the government. To integrate all efforts against terrorism, it is crucial that various government agencies and departments work closely and establish links with each other.

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<sup>419</sup> “Securing the Gains of Democracy: National Security Policy 2011–2016,” Official Gazette of the Republic of the Philippines.

<sup>420</sup> Ibid.

<sup>421</sup> Ananda Devi Domingo-Almase, “What the Subject of Security Really Means: A Look Into the Content and Context of the 2011–2016 National Security Policy in the Philippines,” National Defense College of the Philippines, 88, <http://www.ndcp.edu.ph/nsr.php>.

<sup>422</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 14.

<sup>423</sup> Lynn E. Davis, Gregory F. Treverton, Daniel Byman, Sara A. Daly and William Rosenau, “Coordinating the War on Terrorism,” RAND, March 2004, 2, [http://www.rand.org/pubs/occasional\\_papers/OP110.html](http://www.rand.org/pubs/occasional_papers/OP110.html).

<sup>424</sup> Ibid.

Davis et al. claim that the policy makers in the United States realized that “the instruments of counterterrorism,” such as “hostage negotiations, intelligence cooperation, and international legal regimes” are connected; thus, it requires close coordination between the Departments of State, Justice, and Defense, and the CIA.<sup>425</sup>

Inter-agency coordination can effectively address the root causes of the problem. With regard to terrorism, it is essential to address the underlying reasons that drive certain individuals to become a terrorist or commit acts of violence and understand the socio-cultural aspect of the environment in which they thrive and operate.<sup>426</sup> Zachary Abuza argues that the majority of Southeast Asian countries have “weak political institutions, decentralized politics, poor resources,” and are marred by rampant corruption. Weak institutions and lack of government control make them more attractive to terrorist groups.<sup>427</sup> He claims that corruption has been prominent in weak states; as such, rivalries between state security forces over jurisdiction and illegal activities have been a common problem. To clearly understand the terrorism problem, there must be an in-depth analysis of the situation and consideration of various underlying factors, which in this case, requires an effective and active inter-agency cooperation and coordination. Integration of efforts allows maximum synchronization of all activities and prevents jeopardizing the strategic approach of the government. Additionally, when inter-agency mechanisms have been set up, they provide effective monitoring, feedback, and assessment of all concerned agencies, which ensures that all efforts are appropriate, suitable, and relevant.

Command and coordination structures, which are coherent and responsive, have proven critical in any counterterrorism approach. Bruce Hoffman and Jennifer Morrison-Taw emphasize one of the elements that is important in counterterrorism: “an effective

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<sup>425</sup> Davis, Treverton, Byman, Daly, and Rosenau, “Coordinating the War on Terrorism,” 3.

<sup>426</sup> *State Department and Department of Defense, U.S. Government Counterinsurgency Guide* (Washington, D.C.: Department of State, January 2009), Preface.

<sup>427</sup> Zachary Abuza, *Militant Islam in Southeast Asia, Crucible of Terror* (Boulder, Colorado: Lynne Rienner Publishers Inc., 2003), 18.

overall command and coordination.”<sup>428</sup> They claim that prior to any attack or disturbance, the government should have established a functioning command and coordination structure. This is important to prevent confusion, competition among agencies, duplication of efforts, and inefficient gathering and dissemination of information.<sup>429</sup> The Philippines has its share of bad experiences with ineffective inter-agency coordination. Two examples are the incompetence in handling the Sipadan kidnapping on April 23, 2000 and the Dos Palmas Resort kidnapping incident on May 28, 2001.

To defeat the ASG and other lawless elements in Mindanao requires active participation and cooperation of all government agencies and institutions. Terrorism posed by the ASG, particularly its relentless KFR activities, is not only a concern of the state security forces, but it is the problem of the nation as a whole. Thus, the government must direct all agencies to participate and work together to defeat the ASG and other lawless elements in Mindanao. A command and coordination structure that is properly organized and coherent will lead to an effective integration and sharing of intelligence among different agencies.<sup>430</sup> This structure allows utmost synchronization of efforts in which all actions and programs of concerned agencies are in line with the national strategy on counterterrorism.

### **C. LEGISLATIVE MEASURES**

The Philippine government has adopted several legislative and legal measures to address the threat of terrorism and crime perpetrated by various terrorist groups. After the 9/11 attacks, the Philippine government entered into several international agreements. The intent was to collectively contribute to the government’s anti-terrorism program and strengthen global cooperation to fight international terrorism. As a member of the UN, the Philippine government demonstrates its sincere commitment “to prevent, suppress,

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<sup>428</sup> Bruce Hoffman and Jennifer Morrison-Taw, “A Strategic Framework for Countering Terrorism,” in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares (Aldershot, UK; Brookfield, Vt.: Ashgate, 2000), 9.

<sup>429</sup> Hoffman and Morrison-Taw, “A Strategic Framework for Countering Terrorism,” 9.

<sup>430</sup> Ibid., 16.

and counter all forms of terrorist acts in accordance with the UN Charter and UN Resolutions or declarations,” particularly with UN Security Council Resolutions 1267, 1373, and 1390, UN Global Counter-Terrorism Strategy, and other relevant international laws.<sup>431</sup> These international commitments and agreements also include law enforcement-focused arrangements that support the anti-terrorism program, including mutual legal assistance treaties and other international relationships, such as the Association of Southeast Asian Nations (ASEAN), the ASEAN Regional Forum (ARF), and other multi-lateral engagements.<sup>432</sup>

The Philippine government, through the legislative branch, has responded promptly to the security arrangements with the international or world organizations, such as the United Nations Organization, APEC, ARF, and the U.S. Global War on Terror, in the passage of anti-terrorism laws—specifically, the Human Security Act of 2007. Under this law, anti-terrorism efforts encompass some defensive measures to preempt and prevent terrorist attacks and strengthen the basic foundation to effectively counter terrorism and any form of violent activities.<sup>433</sup> This law, however, does not prevent the Philippine government from employing some offensive measures, which should be taken to preempt, prevent, deter and actively respond to any acts of terrorism.<sup>434</sup> For instance, one of the tenets of the AFP to combat terrorism is “to destroy the terrorist organization through the employment of every tool available to dismantle their capacity to commit acts of terror.”<sup>435</sup> Pauline Eadie writes that the Philippine HSA of 2007 was a response to the Global War on Terror of the United States after the 9/11 attacks.<sup>436</sup> Bobby Tuazon

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<sup>431</sup> National Intelligence Coordinating Agency, *The National Anti-Terrorism Strategy*.

<sup>432</sup> Aguirre, “The Philippine Response to Terrorism,” 59.

<sup>433</sup> “Human Security Act of 2007,” Congress of the Philippines, accessed August 15, 2016, [https://www.senate.gov.ph/republic\\_acts/ra%209372.pdf](https://www.senate.gov.ph/republic_acts/ra%209372.pdf).

<sup>434</sup> Ibid.

<sup>435</sup> GHQ, AFP Operational Directive 09–2004 (Combating Terrorism), 2, March 31, 2004.

<sup>436</sup> Pauline E. Eadie, “Legislating for Terrorism: The Philippines’ Human Security Act 2007,” *Journal of Terrorism Research* 2, no. 3 (November 11, 2011): 28, <http://jtr.st-andrews.ac.uk/articles/10.15664/jtr.226/#>.

claims that “the beginnings of the HSA can be traced to 9/11 and the U.S. Patriot Act,”<sup>437</sup> but Juan Ponce Enrile, a Philippine senator and one of the co-sponsors of this law, vehemently denied that the Philippine HSA was copied from the U.S. Patriot Act.<sup>438</sup>

The Philippine anti-terrorism law, the Human Security Act of 2007, states that anyone “sowing and creating a condition of widespread extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism.”<sup>439</sup> It outlines how terrorism is punishable under the Philippine law, specifying that those convicted “shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.”<sup>440</sup>

Alexander Aguirre points out that the Philippine government enacted the Human Security Act of 2007, which defines terrorism as a crime and provides penalties for such acts.<sup>441</sup> He claims that in order to be used for law enforcement operations this definition was formulated without appropriate legislative policy on terrorism. This terrorism law further states that the State recognizes that counterterrorism requires a comprehensive approach that includes political, diplomatic, economic, military, legislative and other factors.<sup>442</sup> According to Aguirre, however, this approach should take into consideration what the root causes of the problems are without recognizing them as a justification to conduct terrorist acts and other forms of violence.<sup>443</sup> It should be noted, however, that the law in itself is not a strategy to combat terrorism.<sup>444</sup>

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<sup>437</sup> Bobby Tuazon interview July 31, 2008, quoted in Pauline E. Eadie, “Legislating for Terrorism: The Philippines’ Human Security Act 2007,” *Journal of Terrorism Research* 2, no. 3 (November 11, 2011): 28, <http://jtr.st-andrews.ac.uk/articles/10.15664/jtr.226/#>.

<sup>438</sup> Eadie, “Legislating for Terrorism: The Philippines’ Human Security Act 2007,” 28.

<sup>439</sup> “Human Security Act of 2007,” Congress of the Philippines.

<sup>440</sup> Ibid.

<sup>441</sup> Aguirre, “The Philippine Response to Terrorism,” 47.

<sup>442</sup> Ibid.

<sup>443</sup> Ibid.

<sup>444</sup> Ibid.

To suppress terrorism financing, the Philippine government ratified some laws and executive orders to cut the flow of funds and freeze the assets of the local and foreign terrorist groups. Rommel Banlaoi asserts that in 2001, the Philippine congress approved the Anti-Money Laundering Act as one of the countermeasures for this purpose.<sup>445</sup> To further bolster the legislative approach against terrorist financing, President Benigno Aquino approved the Republic Act Number 10168, otherwise known as the “Terrorism Financing Prevention and Suppression Act of 2012.”<sup>446</sup> This law is the response of the Philippine government to its commitment to the “International Conventions for the Suppression of the Financing [of] Terrorism and other binding terrorism-related resolutions of the UN Security Council.”<sup>447</sup> This law requires banks and financial institutions to report dubious transactions involving funds that have possible links to terrorists, and to freeze properties, funds, and related accounts of suspected terrorist groups and individuals who are associated with Al Qaeda.<sup>448</sup>

The enactment of HSA of 2007 and other related laws to combat terrorism in the Philippines has resulted in the apprehension of several terrorist personalities, particularly members of the ASG. Although there are some criticisms about the Philippine anti-terrorism law, it serves as deterrence for an individual to commit acts of terror or any forms of violence.

Cabalza argues that the Philippine anti-terrorism law is too broad and only reinstates the crimes listed in the Revised Penal Code of 1932 or Republic Act No. 3815, which is an 84-year-old law now.<sup>449</sup> He claims that the crimes that are listed in the HSA of 2007 are deemed punishable under the Revised Penal Code in which there must be clear parameters in converting common crimes into terrorism. The HSA of 2007 is the only Philippine law that strictly penalizes torture and imposes stiff penalties and fines on

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<sup>445</sup> Banlaoi, *Counter Terrorism Measures in Southeast Asia: How Effective Are They?* 78.

<sup>446</sup> “The Terrorism Financing Prevention and Suppression Act of 2012,” Congress of the Philippines, accessed August 18, 2016, [http://www.congress.gov.ph/download/?d=ra\\_results&ra\\_title=terrorism](http://www.congress.gov.ph/download/?d=ra_results&ra_title=terrorism).

<sup>447</sup> Ibid.

<sup>448</sup> “Philippine Experience in Combating Terrorism” (lecture, Training and Doctrine Command, Philippine Army, February 20, 2013).

<sup>449</sup> Cabalza, “Deconstructing Human Security in the Philippines,” 5.

law enforcers.<sup>450</sup> Although it is a benchmark for the Philippine law to prosecute terrorists, it needs some legal amendments to synchronize its provisions and make some logical connections between its sub-sections. This law is a combination of 62 sections and 22 provisions without “discernable structure, no headings or sub-headings, and no groupings of sections.”<sup>451</sup> Cabalza asserts that this law “authorizes preventive detention, expands the power of warrantless arrest, and allows for unchecked invasion of privacy, liberty and other basic rights.”<sup>452</sup>

#### **D. INTELLIGENCE COOPERATION AND COLLABORATION**

To counter terrorism effectively, it is crucial to strengthen and enhance the intelligence capabilities of all concerned agencies and various state security forces, but on the other hand, it is also imperative that an effective and efficient mechanism has been set up for collaboration among domestic and foreign intelligence agencies. Thomas Bruneau and Florina Cristiana Matei argue that terrorist attacks in the United States, the United Kingdom, and Spain led all these states to prioritize their intelligence capabilities and effectiveness.<sup>453</sup> They point out that these nations not only focus on reforming some “norms of intelligence”—budgets, resources, doctrines, and regulations—but they also enhance “interagency cooperation and coordination.”<sup>454</sup>

Singh argues that each state must fight its terrorism concern within its national jurisdiction employing its full capacity and resources to defeat and destroy any terrorist organization.<sup>455</sup> He asserts that this national effort must be reinforced with sound and effective intelligence cooperation with other countries because of the transnational nature

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<sup>450</sup> Cabalza, “Deconstructing Human Security in the Philippines,” 17.

<sup>451</sup> Ibid., 4.

<sup>452</sup> Ibid., 17.

<sup>453</sup> Thomas Bruneau and Florina Cristiana Matei, “Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness,” in *The Oxford Handbook of National Security Intelligence*, ed. Loch K. Johnson (Oxford: University Press, 2010), 769–770.

<sup>454</sup> Ibid.

<sup>455</sup> Daljit Singh, *Terrorism in South and Southeast Asia in the Coming Decade* (Singapore: Institute of Southeast Asian Studies in association with Macmillan, 2009), xix.

of the threat.<sup>456</sup> Bilateral cooperation has been proven effective in terms of strengthening intelligence cooperation and collaboration between states. In the case of Southeast Asia countries, regional organizations—ASEAN and ARF—declared strong “collective positions” against terrorism, and these organizations facilitated a wide range of capacity building measures in collaboration with “advanced outside countries.”<sup>457</sup>

According to Manalo, collaboration and cooperation of all intelligence units are crucial to successfully combat the threat of terrorism.<sup>458</sup> He points out that all intelligence units of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the National Bureau of Investigation (NBI), and the National Intelligence Coordinating Agency (NICA) should enhance their linkages and sharing of information.<sup>459</sup> The availability of timely and accurate intelligence tends to identify, monitor, and locate high-value individuals, and most importantly, it allows security forces to predict the terrorists’ plans and intentions. Knowing this information from the outset, the government can implement appropriate preemptive measures to mitigate or avoid loss of life or damage to property.

Additionally, collaboration and relations among regional partners and other allies are crucial in counterterrorism strategy. Intelligence sharing is one of the critical advantages of this endeavor because cooperation and collaboration unite all efforts of all countries to combat international terrorism. It establishes good relationships to work closely with domestic and foreign counterparts “to predict, prevent, deter, and suppress acts of terrorism.”<sup>460</sup> To strengthen border controls and sharing of intelligence, it is important that concerned countries have strong and regular bilateral and multi-lateral engagements.<sup>461</sup> These kinds of activities enhance cooperation and sharing of critical

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<sup>456</sup> Singh, *Terrorism in South and Southeast Asia in the Coming Decade*, xix.

<sup>457</sup> Ibid.

<sup>458</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 19.

<sup>459</sup> Ibid.

<sup>460</sup> Aguirre, “The Philippine Response to Terrorism,” 54–55.

<sup>461</sup> Tan, “Counter-Terrorism in Southeast Asia Post-9/11,” 216.

information through regular intelligence exchange and conference between countries.<sup>462</sup> Tan notes that after the 9/11 attacks, ASEAN countries issued a joint declaration and agreed to cooperation to combat domestic and international terrorism.<sup>463</sup> He points out that these nations agreed to strengthen national mechanisms and sharing of intelligence, and to support all actions and initiatives of the UN. One good example of this is the regular intelligence exchange between the U.S. Pacific Command and Southeast Asian countries. Also, notable in this endeavor are the Global Counter-terrorism Forum (GCTF) and the ASEAN Defense Ministers Meeting Experts Working Group on Counter-terrorism.

Moreover, sharing of information among agencies and intelligence units is also one of the pressing concerns of the Philippines. Although there are some mechanisms that are emplaced to solve this matter, some intelligence units are still reluctant to share their information. Netanyahu claims that because of professional rivalry and jealousy among intelligence agencies and in order to protect the source, critical intelligence reports are not being shared among and between regional partners and even among various agencies within the same country.<sup>464</sup> At the national and regional level, different intelligence agencies and units meet regularly through their respective area intelligence coordinating committees. Although this arrangement of intelligence coordination and integration has been helpful and resolved certain issues, some intelligence agencies seem to be hesitating to share information. This problem is aggravated by inter-agency rivalries, policies, laws, and sometimes because of turf protection.<sup>465</sup> Nathan White claims that law enforcement agencies and various intelligence units usually do not trust each other because of the independent nature of some police officials who are reluctant to share information within or outside of their organization.<sup>466</sup>

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<sup>462</sup> Tan, “Counter-Terrorism in Southeast Asia Post-9/11,” 216.

<sup>463</sup> Ibid., 215.

<sup>464</sup> Netanyahu, *Fighting Terrorism: How Democracies Can Defeat the International Terrorist Network*, 138–139.

<sup>465</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 20.

<sup>466</sup> Nathan White, *Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security* (CA: Thomson/Wadsworth, 2004), 17.

According to Bruce Hoffman and Jennifer Morrison-Taw, unified and coordinated structure against terrorism is vital to share and disseminate valuable intelligence among various security forces.<sup>467</sup> Obvious rivalry among security forces has been one of the reasons why the Philippine government efforts against terrorism are not gaining much momentum. Although several significant accomplishments have been achieved and led to the capture or neutralization of high-value targets, they have not been enough to totally defeat the enemy and the attacks persist. Iztok Prezelj claims that in the United States, the CIA and FBI also experienced some concerns on intelligence sharing because of their “institutional culture,” “ways of thinking,” and interests.<sup>468</sup> He points out that these differences also resulted in “competition for cases and budgets.”<sup>469</sup>

The threat posed by the ASG as a hybrid organization requires not just efficient and effective means of recruiting reliable informants and collecting quality information, but importantly, this information is being shared among other intelligence agencies and units. Arguably, sharing of intelligence has been one of the weaknesses and perennial problems of the Philippines in its fight to destroy the ASG. Daniel Byman claims that “Israel’s intelligence services are fabled around the world for their efficiency, skill, and seeming omniscience.”<sup>470</sup> He points out that the successes of Israel in counterterrorism depend on its efficient and constant sharing of information at all levels and closely integrating intelligence in all military operations.<sup>471</sup> Relentless KFR activities can be preempted or prevented if all intelligence agencies have quality informants who have good access and placement on the ASG and other criminal organizations. David Bonner claims that intelligence operatives and informants are critical factors in a successful counterterrorism approach, and their cover must be protected at all times.<sup>472</sup> Hoffman

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<sup>467</sup> Hoffman and Morrison-Taw, “A Strategic Framework for Countering Terrorism,” 11.

<sup>468</sup> Iztok Prezelj, “Improving Inter-Organizational Cooperation in Counterterrorism: Based on a Quantitative SWOT Assessment,” *Public Management Review* 17, no. 2 (May 17, 2013): 211, DOI: 10.1080/14719037.2013.792384.

<sup>469</sup> Ibid.

<sup>470</sup> Daniel Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (NY: Oxford University Press, 2011), 369.

<sup>471</sup> Ibid., 370–371.

<sup>472</sup> Bonner, “United Kingdom: The United Kingdom Response to Terrorism,” 192.

and Morrison-Taw argue that proper use of information is critically important to any counterterrorism campaign.<sup>473</sup> They point out that the most important tasks in this aspect are the coordination and dissemination of intelligence, which can only be done through a centralized intelligence organization that can effectively relay information to the tactical units.

#### **E. FOCUSED MILITARY OPERATIONS**

According to Condoleezza Rice, “true victory will not come merely when the terrorists are defeated by force, but when the ideology of death and hatred is overcome by the appeal of life and hope, and when lies are replaced by truth.”<sup>474</sup> As Benjamin Netanyahu argues, “while military measures should not be the first option, they should never be excluded from the roster of possibilities.”<sup>475</sup> On the other hand, terrorist organizations, whether state or non-state actors, must feel that the likelihood of extreme military retaliation is expected if they would resort to violence.<sup>476</sup> Along that line, Israel responded with massive military operations and a series of targeted killings of suspected terrorists. Clive Jones claims that this military approach led to the arrest or killing of senior leaders and destroyed the military infrastructure of Hamas.<sup>477</sup> Despite the brutality of this method, it received “wide public support in Israel.”<sup>478</sup> Decapitation of the terrorist organization by targeted killings may not end terrorism or stop violence, but it served as deterrence and saved hundreds of innocent lives.<sup>479</sup> This war-fighting strategy adopted by Israel disrupted the enemy’s plan and damaged their capabilities to conduct further attacks.

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<sup>473</sup> Hoffman and Morrison-Taw, “A Strategic Framework for Countering Terrorism,” 15.

<sup>474</sup> Daniel Byman, *The Five Front War: The Better Way to Fight Global Jihad* (Hoboken, New Jersey: John Wiley & Sons, 2008), 180.

<sup>475</sup> Netanyahu, *Fighting Terrorism: How Democracies Can Defeat the International Terrorist Network*, 134.

<sup>476</sup> Ibid.

<sup>477</sup> Jones, “Israel and the Al-Aqsa Intifada: The Conceptzia of Terror,” 127.

<sup>478</sup> Ibid.

<sup>479</sup> Ibid., 128.

When former President Gloria Arroyo declared her “Fourteen Pillars of Policy and Action” to combat terrorism, the Philippine government enacted General Order Number 2 “directing the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to prevent and suppress acts of terrorism and lawless violence in Mindanao.”<sup>480</sup> The AFP is specifically mandated to strengthen and develop its counterterrorism capabilities and to conduct sustained and focused military operations against the ASG and other terrorist groups. On the other hand, the PNP is directed to strengthen its security measures and police visibility to protect vital installations. They are also mandated to develop and strengthen their police counterterrorism capabilities, particularly in urban fighting and hostage situations.

In “Keeping on the Right Track: An Assessment on the Effectiveness of AFP Responses to ASG Threat,” Ferdinand B. Napuli argues that the only solution to defeat the ASG is to neutralize its key leaders and isolate the group from its mass base support.<sup>481</sup> He points out, however, that the ASG has been adored by the communities within its area of influence because this group has been providing funds out of the ransom money from its KFR activities. This kind of support helps to improve the standard of living of the marginalized tribes, especially in Basilan, Sulu, and Tawi-Tawi provinces, that the government has failed to do. Thus, focused military operation will not totally defeat the ASG because it has the critical support of the people that would impede the conduct of intense military operations.<sup>482</sup> The AFP may engage various agencies and civil society organizations and encourage their active participation in delivering the public goods to the marginalized communities in Mindanao. These organizations can easily adapt to the communities’ dialect and culture, and they can freely ask the people about their problems. Thus, the military may treat these organizations as important partners to achieve peace.

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<sup>480</sup> Banlaoi, *Counter Terrorism Measures in Southeast Asia*, 78.

<sup>481</sup> Napuli, “Keeping on the Right Track: An Assessment on the Effectiveness of AFP Responses to ASG Threat,” 74.

<sup>482</sup> *Ibid.*

Nevertheless, the main thrust of the Philippine government against the ASG is through focused military operations. The end state of the AFP's focused military operations is to downgrade internal armed threats so that "they can no longer threaten the stability of the state and civil authorities can ensure the safety and well-being of the Filipino people."<sup>483</sup> Even if the AFP destroys completely the ASG, however, terrorism and crime will persist as the main security challenges for the Philippines if the political and socio-economic condition in Mindanao remains the same. To complement this approach, the military has been instituting some measures to undermine ASG's popular support from the communities under its influence.<sup>484</sup> Santiago Ballina claims that with the help of the United States, the Philippines adopted a whole-nation approach through various socio-economic measures to reduce poverty and provide essential public goods for the poor communities where the ASG thrives.<sup>485</sup> He claims, however, that this strategy still heavily focuses on military operations and does not adequately address the broader and root problems in Mindanao such as marginalization and weak institutions. The military approach will not completely eradicate the threat, but other approaches will be futile without taking into consideration the role of the military. On the other hand, the government should take strong measures and feasible strategies to address political, social, and economic issues.

## **F. PROBLEMS AND GAPS IDENTIFIED**

- The current Philippine CT strategy and approach has failed to recognize the criminal aspect of the ASG.

Nothing has changed with regard to the approach of the Philippines against the threat posed by the ASG. The Philippine government remains reactive, rather than proactive, in terms of eradicating terrorism and organized crime activities by this group and other lawless elements in Mindanao. Several security experts and law enforcement

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<sup>483</sup> "Internal Peace and Security Plan Bayanihan," Scribd, accessed July 30, 2016, <https://www.scribd.com/document/46302366/AFP-Internal-Peace-and-Security-Plan-IPSP-BAYANIHAN>.

<sup>484</sup> Peter Chalk, Angel Rabasa, William Rosenau, and Leanne Piggott, *The Evolving Terrorist Threat to Southeast Asia: A Net Assessment* (Santa Monica, CA: RAND Corporation, 2009), 133, <http://www.rand.org/pubs/monographs/MG846.html>.

<sup>485</sup> Ballina, "The Crime-Terror Continuum Revisited," 132.

officials claim that the ASG has become a bunch of criminals, but there is no compelling countermeasures have been introduced to fight this so-called nexus of terrorism and crime. The approach remains the same of employing a war model to counterterrorism without completely understanding the underlying root causes of the problems and knowing the precise category of the ASG as a threat group. Terrorist and criminal organizations are two different entities; thus, they may require different approaches to defeat and deter their violent and criminal activities.

- Lack of strong political will to implement the comprehensive strategy and approach to counter terrorism.

To effectively eradicate the ASG and other lawless elements in Mindanao, the current administration may consider exerting strong political will to implement the most comprehensive counterterrorism strategy, a strategy that deals with both the terrorism and criminal nature of the ASG. Strong political will may encompass prosecuting some unscrupulous local politicians and government officials, particularly members of the military and police, who are supporting and colluding with the ASG. The current political leadership must push and exert strong pressure on all concerned departments, agencies, and LGUs to do their mandated tasks and responsibilities to completely defeat and eradicate the ASG's terrorist and criminal activities. Implementation and enforcement of important laws and executive directives for different departments, agencies, and LGUs also require strong political will. No matter how good the security policies of the national government are, if some concerned actors are not doing their jobs the effort may inevitably fail.

- The Philippines has a weak legislation and criminal justice system to combat the nexus of crime and terrorism.

The anti-terrorism campaign of the Philippine government is anchored on the HSA of 2007 or the Philippines' main anti-terrorism law. Arguably, this law seems ineffective to protect the people and the state against terrorism. The current anti-terrorism law needs some critical amendments to address certain issues and gaps in order to be more effective. As part of the legislative approach to combat terrorism, this law should be a potent tool of law enforcement agencies to effectively prosecute suspected terrorists and their associates. On the other hand, this law has a vague definition of the term terrorism,

and terrorism offenses are merely copied from the old version of the Revised Penal Code. This law treats criminal offenses under the old Revised Penal Code as terrorism, thereby creating “a condition of widespread fear and panic among the populace.”<sup>486</sup> Some of the provisions of the law are contrary to the protection of human rights and privacy. In addition, it does not explicitly define the tolerable or acceptable penalties and damages. Notably, as of now, this law has never been used in court to prosecute suspected terrorists—directly or indirectly involved in terrorist activities—because some legal experts argue that this law is legally and basically hard to use.

- Intelligence politicization and competition among intelligence units of different government agencies hampered the effectiveness of the current counterterrorism strategy.

Politicization has been one of the challenges of the intelligence agencies. As Robert Gates claims, “the problem of politicization is as old as the intelligence business.”<sup>487</sup> Mark Lowenthal argues that the problem of politicization is like “two spheres of government activity separated by a semipermeable membrane.”<sup>488</sup> He explains that policymakers are free to offer assessments of intelligence while intelligence officers are not allowed to influence policymaking.<sup>489</sup> Politicization may destroy the credibility of the intelligence organization in terms of providing inaccurate analysis and assessment. Accurate and timely intelligence are important for policymakers to help them in their decision-making process, and the intelligence community can provide these requirements. Intelligence’s main role is only to support, and it cannot cross the line to influence the jobs of policymakers. In some cases, policymakers offer input on or accept only intelligence that is advantageous to their political interests and personal gains.<sup>490</sup> Eduardo Estévez claims that politicization of the Argentinian military intelligence led to

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<sup>486</sup> Eadie, “Legislating for Terrorism: The Philippines’ Human Security Act 2007,” 30.

<sup>487</sup> Robert Gates, “Guarding Against Politicization – Central Intelligence Agency,” CIA, March 1992, [https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/volume-36-number-1/html/v36i1a01p\\_0001.htm](https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/volume-36-number-1/html/v36i1a01p_0001.htm).

<sup>488</sup> Mark Lowenthal, *Intelligence: From Secrets to Policy*, 6<sup>th</sup> ed. (Washington, DC: CQ Press, 2014), 6.

<sup>489</sup> Ibid.

<sup>490</sup> Cristiana Matei, “Overview and Functions of Intelligence in a Democracy.”

the South Atlantic Conflict, in which the intelligence services provided inaccurate interpretation of the collected information.<sup>491</sup>

Although the national and regional intelligence coordinating committees have been created, inherent cultural and competency differences of various intelligence units hamper the level of coordination and sharing of critical information. Some crucial changes in terms of institutional policies to improve coordination and enhance interoperability during law enforcement operations must be adapted from top to bottom. Additionally, there is no central database that collects and collates essential information against the enemy. In most cases, a particular intelligence or case officer keeps and carries their own files; thus, this practice prevents the transfer of crucial intelligence and knowledge within the intelligence community. Competition and rivalry in terms of capturing prominent personalities or high-value targets have been a common problem among intelligence agencies, and in some cases have led to a misunderstanding between state security forces.

- Some government agencies, departments, LGUs, and non-government organizations have failed to do their parts to eradicate the ASG and its criminal activities.

To effectively implement the whole-nation approach, all stakeholders be must be taken into consideration and do their part. Public and private partnership is also crucial in this endeavor. It may also be seen as a challenge for all stakeholders, and the solution is only possible if all these stakeholders act in unison. The counterterrorism strategy of the Philippines intends to involve various government agencies and departments, LGUs, non-government organizations, and other concerned stakeholders to defeat terrorism and win the hearts and minds of the people. Inter-agency coordination has not really been functioning as what was written on paper. Coordination among different departments and agencies only works perfectly when a tragic incident or terrorist attack has occurred, rather than integrating their efforts to address the root causes of the problems and prevent

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<sup>491</sup> Eduardo Estévez, “Intelligence Community Reforms: The Case of Argentina,” in *Intelligence Elsewhere. Spies and Espionage Outside the Anglosphere*, eds. Philip H.J. Davies and Kristian C. Gustafson (Washington, DC: Georgetown University Press, 2013), 222.

the attacks. The whole-nation approach will not work if one of the actors is not doing their mandated tasks.

- Some politicians down to the local level have been suspected of coddling and supporting the ASG, particularly in the kidnapping operations.

Source of funds is important to any organization, and the ASG's main source of financing is KFR operations. Reportedly, some local politicians in Mindanao are not only coddling this group, but some of them are also financing this criminal activity. Even though it is common knowledge that some corrupt politicians have been conniving with the ASG, no one has been convicted or sanctioned for this misdemeanor.<sup>492</sup> Additionally, some members of the ASG who are employed as private armed groups or militias of some local politicians contribute to the problem.

#### **G. NOTABLE PROBLEMS THAT LED TO RELENTLESS KIDNAPPINGS**

- Most of the kidnap victims are negotiating and paying the ransom for their safety and freedom.

According to the Special Report on this subject conducted by the Philippine Army, there are cases wherein a kidnap victim's family paid in full or through installment basis prior to the release of the hostage.<sup>493</sup> The ASG provides proof of life photos or video clips posted on the Internet or sent directly to the families of the victims prior to receiving a portion of the total ransom payment.<sup>494</sup> In some cases, the ASG uses the "pay now or be kidnapped later" scheme in which the target is threatened with kidnapping, forcing the victim to pay to avoid being abducted by the group. The ransom is less than that of abducted victims due to minimal operational expenses; the group refers to this money as a board and lodging fee. The ASG also conducts checkpoints, targeting local residents and temporarily holds the victim for a couple of hours until a certain amount of money is paid in exchange for their release.<sup>495</sup>

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<sup>492</sup> Based on the experience of the author as Field Station Commander of 9<sup>th</sup> ISU, Intelligence and Security Group, Philippine Army based in Zamboanga Peninsula.

<sup>493</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 4.

<sup>494</sup> Ibid.

<sup>495</sup> Ibid.

The ASG seems to favor direct negotiation with the victim's family or relatives due to the prospect of higher and actual ransom payment.<sup>496</sup> In some cases, however, the ASG also uses mediators or third-party negotiators, especially if the group is unable to directly communicate with the victim's relatives.<sup>497</sup> One example is the kidnapping incident of Randelle Talania of Titay Town, Zamboanga Sibugay Province in 2011. He was just a nine-year-old boy that time when armed men took him in front of the Titay Elementary School.<sup>498</sup> The ASG utilized one village chieftain from Basilan to communicate with the families of the kidnap victim. This man, who acted as mediator, informed the families about the ransom demand and other requirements of the child.<sup>499</sup>

The knowledge and expertise of the negotiator is crucial during the negotiation process. According to Peter Dobbs, "the nominated negotiator needs to be fluent in the kidnappers' language and preferably have some knowledge of the region."<sup>500</sup> He claims that a good negotiator must immediately establish rapport with the kidnappers, ask for proof of life, and make sure that demands are clearly stated before making any offer for the release of the victim.<sup>501</sup> In addition, some local politicians and prominent individuals also facilitate the negotiation for the release of some kidnap victims.<sup>502</sup>

- Some ASG sympathizers—Muslim and Christians—act as tipster or spotter for the terrorist group in exchange of monetary rewards or a share of the ransom.

The spotter plays an important role in kidnap for ransom activities as he or she is often tasked to come up with a list of possible targets who are either capable of paying

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<sup>496</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 4.

<sup>497</sup> Ibid.

<sup>498</sup> "Gunmen Free Abducted Boy in Zamboanga," *Philippine Star*, accessed June 30, 2016, <http://www.philstar.com/breaking-news/727137/gunmen-free-abducted-boy-zamboanga>.

<sup>499</sup> Based on the experience of the author as Field Station Commander of 9<sup>th</sup> Intelligence and Security Unit, ISG, PA during the conduct of operations to rescue kidnap victim Randelle Talania.

<sup>500</sup> Peter Dobbs, "Kidnap and Ransom Today," Catlin Group Limited, October 2012, 18, <http://www.catlin.com/flipbook/kidnap-and-ransom-today/files/inc/342692550.pdf>.

<sup>501</sup> Ibid.

<sup>502</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 5.

the ransom demand or are connected to personalities or entities that are capable of paying.<sup>503</sup> While the ASG is currently constricted in some areas of Basilan and Sulu, some of its members are residing in urban areas and are being utilized as spotters for possible targets.<sup>504</sup> When the target is chosen, casing and surveillance follow immediately. There are also cases where the ASG does not conduct planning and surveillance and simply seizes the victim when the opportunity arises, however.<sup>505</sup>

- The military and police have failed to dismantle various lawless elements and private armed groups that provide operational and logistical support to the ASG.

In the execution of kidnapping activities, especially outside the traditional areas of operation, the ASG taps local criminal groups and other lawless elements to kidnap the target in return for a share of the projected ransom payment.<sup>506</sup> In some cases, criminal elements conduct the kidnapping themselves and then transfer the victim to the ASG. To get a higher ransom payment, the ASG engages in the negotiation because it has already established a brutal reputation of beheading its victims if demands are not met on time.<sup>507</sup> In this case, the lawless elements would either be paid for their expenses or wait until the ransom is paid.<sup>508</sup>

The ASG also utilizes proven and tested tactics and possible routes to transfer the kidnap victims to Basilan or Sulu. Lawless elements and the ASG excel in both the planning and the execution of their kidnapping operations.<sup>509</sup> In fact, despite naval blockades along the waters off Zamboanga peninsula and the Sulu Archipelago, the ASG has successfully evaded government forces and gotten away by utilizing only small motorized boats.<sup>510</sup> The presence of several military detachments and other checkpoints

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<sup>503</sup> Abuza, “Militant Islam,” 249.

<sup>504</sup> Ibid.

<sup>505</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 4–5.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> Ibid.

<sup>510</sup> Ibid.

in various places and strategic choke points in Zamboanga peninsula appear to be ineffective.<sup>511</sup>

One good example was the kidnapping of Rodney Rodwell, an Australian citizen who is married to a Filipina and residing near the center of the municipality of Ipil, Zamboanga Sibuga Province.<sup>512</sup> The ASG executed a daring kidnapping operation by boldly abducting Rodwell from his residence despite the presence of various military and police outposts in the area. These security measures do not preempt the ASG from abducting someone in the middle of the city or town center.<sup>513</sup>

The collaboration and coordination between criminal organizations and the ASG in conducting joint criminal activities seem to be very effective and efficient.<sup>514</sup> The group takes advantage of small islets and mangrove areas for hiding and evading pursuing government forces prior to being transferred to the group's temporary encampments.<sup>515</sup> Notably, the geography of Basilan, Sulu and Tawi-Tawi is a key factor in the conduct of ASG kidnappings as the different islands provide ideal escape routes and safe havens.<sup>516</sup>

## H. CONCLUSION

One of the challenges for the Philippine government with regard to terrorism is the ASG. The ASG has been fluctuating between terrorism and crime, and has become a serious security concern that poses a tremendous threat to the internal peace and security of the Philippines. To come up with an appropriate counterterrorism strategy or approach, it is imperative to grasp this nexus of crime and terrorism. Although the Philippine

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<sup>511</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 4–5.

<sup>512</sup> Julie Alipala, “Australian Kidnapped in Philippines–Military,” December 5, 2011, *Philippine Daily Inquirer*, <http://globalnation.inquirer.net/20281/australian-kidnapped-in-philippines%E2%80%94military>.

<sup>513</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 5.

<sup>514</sup> O'Brien, “Fluctuations Between Crime and Terror,” 326–327.

<sup>515</sup> Office of the Assistant Chief of Staff for Intelligence, OG2, *Special Report on the ASG Kidnapping Activities* (Taguig City: Production Branch, 2014), 5.

<sup>516</sup> Ibid., 4–5.

government's counterterrorism strategy and approach has successfully apprehended or neutralized several ASG personalities, the ASG remains a capable and resilient organization. The case of the ASG as a hybrid organization requires some changes on the current strategy, and intense military operations alone will not work. Since KFR is the main source of financing of this group, the response must be coupled with a comprehensive national strategy to stop KFR activities and dismantle its network and support system.

The Philippine government should develop a comprehensive counterterrorism approach that takes into consideration the inherent vulnerabilities and mistakes in terms of inter-agency coordination, legislation, and intelligence sharing and collaboration between regional and international partners. Any countermeasures must be complemented on the ground by focused and intelligence-driven joint military and police operations. One of the measures to combat terrorism is through legislation, but pertinent laws should always build on good public relations and concern about fundamental rights of individuals. It is crucial that appropriate and strong anti-terrorism laws should be enacted to effectively prosecute ASG members and their affiliates, and they must be meaningful and coherent laws that recognize the crucial support of the public. Additionally, intelligence is an important factor for any counterterrorism strategy; thus, collaboration of all intelligence agencies is critically important. Finally, any military and police counterterrorism operation should be intelligence driven, and it should be followed by political, social, and economic measures through the engagement of all concerned LGUs and government agencies in the area in order to address the root causes of the problems.

## VI. CONCLUSION

The nexus of crime and terrorism—as exemplified by the ASG—has been one of the challenges in Mindanao. Most terrorist organizations have learned to adapt to the current security environment in order to survive and be more operationally capable in terms of conducting attacks and securing a steady flow of funds. Although the ASG had been involved in other criminal activities, this paper examines the ASG’s kidnapping operations because it is one of the major concerns and made the current CT strategy seem ineffective or possibly inadequate in eradicating terrorism and crime in the southern part of Mindanao. Additionally, the ASG’s Kidnap-for-Ransom (KFR) operations, as a case study, provide a good window into how the fusion of terrorism and crime can be clearly understood and analyzed. This can help policymakers and state security forces to come up with a comprehensive set of countermeasures. Knowing and understanding precisely the ASG’s place in the Crime-Terror Continuum model will help policymakers to come up with comprehensive policies and approaches against these security concerns. Additionally, understanding the ASG as a hybrid organization will help lawmakers to enact appropriate laws that will effectively prosecute terrorists who employ criminal methods as a tool. The ASG’s strength or influence might be reduced, but if the root causes of the problems are not properly addressed, then the terrorist organization will continue to survive and will persist as a perpetual threat.

The following is the summary of findings generated by this research:

1. The ASG has evolved into a hybrid organization.

The ASG is an excellent example of the nexus of crime and terrorism. Despite its rampant involvement in kidnapping activities and other criminal activities, the ASG remains an Islamic terrorist organization. This group explicitly employs criminal methods to further its terrorist activities. According to Banlaoi, “Countering the threat posed by the ASG is a formidable challenge for law enforcement and other government agencies.”<sup>517</sup> Because of its superb skills at linking and maintaining strong alliances with

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<sup>517</sup> Banlaoi, “Current Terrorist Groups and Emerging Extremist Armed Movements in the Southern Philippines,” 164.

numerous armed groups in Mindanao that are engaged in various terroristic and criminal activities, the ASG has become a more formidable and resilient organization.<sup>518</sup>

2. The Philippine CT strategy remains focused on a military model approach to confront the ASG.

The threat posed by the ASG is not just a military and police problem. The problem of terrorism and crime posed by the ASG and other lawless elements in Mindanao requires a whole-government approach. This approach pertains to collective efforts and shared responsibilities of different government agencies, departments, NGOs, and other private sectors and stakeholders.

Although the Philippines' current CT strategy and approach have resulted in some notable accomplishments, particularly the arrest and neutralization of notorious key personalities of the ASG, the threat of terrorism and other violent activities, especially the rampant kidnapping activities in Mindanao, persists. This concern greatly affects the peace and security situation of the country. One of the objectives of inter-agency cooperation and collaboration is fusion and synchronization of efforts to destroy the ASG and its criminal activities. An effective oversight council, along with appropriate mechanisms, is crucial to engage and unite the efforts of other actors in national government agencies and civil society.

3. The current anti-terrorism law of the Philippines (Human Security Act of 2007) proved to be incoherent and ineffective as a legislative measure to deter or prevent terrorism.

The Philippine anti-terrorism law is too broad, and it just reinstates the crimes listed in the Revised Penal Code of 1932, which is an 84-year-old law as of this writing.<sup>519</sup> The criminal offenses that are listed in this law are deemed punishable under the Revised Penal Code, in which there must be clear parameters in converting common crimes into terrorism.<sup>520</sup> As discussed in Chapter I, anyone that commits a felony as enumerated by this anti-terrorism law shall be prosecuted as a terrorist. For instance,

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<sup>518</sup> Banlaoi, "Current Terrorist Groups and Emerging Extremist Armed Movements in the Southern Philippines," 164.

<sup>519</sup> Cabalza, "Deconstructing Human Security in the Philippines," 5.

<sup>520</sup> Ibid.

anyone who commits murder can be prosecuted as a terrorist. This violates our universal definition of terrorism because it must be politically or religiously motivated.

The HSA of 2007 has no exact definition of murder or how it is different from other acts of killing innocent people. This law defines terrorism vaguely or not at all. The law does not even provide an exact or accurate categorization of the terms terrorism, mass murder, or hate crime. This law has failed to provide a clear distinction between terrorist and criminal acts; thus, any violation of felonies as enumerated in this anti-terrorism law shall be categorized as terrorist acts.

4. The support of some local politicians and the populace within its area of operations has made the ASG more resilient and effective against the intensive counterterrorism efforts of the government.

As long as some local communities in Mindanao remain sympathetic to the ASG, even the best CT strategy and approach will appear ineffective. Undeniably, popular support is critically important in any war or conflict and winning the hearts and minds of the people serves as a potent weapon of the ASG. Sympathetic communities in far-flung areas of Basilan and Sulu provide crucial support that renders intensive military and law enforcement operations futile. The support coming from corrupt local politicians down to the community level to the ASG has been also one of the concerns in those areas. This is one of the reasons why the ASG can evade strategically emplaced military and police checkpoints and even naval blockades off the waters of Zamboanga, Basilan, and Sulu. In addition, it can continuously conduct successful domestic and cross-border kidnapping operations.

5. The cross-border operations will persist because they are strategically and tactically important for the ASG.

At the tactical level, trans-border kidnapping operations undeniably improved the group's capabilities and reinforced their resolve to conduct more high-impact kidnapping cases due to their tested schemes and perceived high returns in terms of monetary rewards. Strategically, successful kidnapping operations within the territorial waters of Indonesia and Malaysia have made the current CT countermeasures and efforts of the Philippine government ineffective or inappropriate to stop this menace.

These kinds of violent activities have put the Philippines in a bad situation and marred the country's reputation among its neighboring countries and regional partners. From a bigger perspective, shifting of the ASG's activities from terrorism to crime is just an offshoot of its drive for money and power. But it could be possible that kidnappings—as a criminal tactic—have been employed as a tool to generate funds in the absence of foreign support and strict implementation of laws against terrorist financing.

6. The lack of good governance, law enforcement, and sense of security also prevent the people from resisting ASG's criminal acts.

Although some local communities or tribes in Zamboanga Peninsula, Basilan, and Sulu Archipelago have been against ASG's violent and criminal activities, they opt to neither take any appropriate action nor cooperate with the military and police because of possible repercussions if they do so. In some cases, there is no government presence or semblance of control and governance in those far-flung areas, which makes it favorable and advantageous for terrorist or criminal organizations. For these communities, supporting or helping the ASG has been more beneficial than cooperating with government authorities because in some cases, the ASG has been providing financial support to poor and unfortunate villages. These areas are tactically important for the ASG in that they must be controlled and influenced for safe haven, logistical support, and recruitment bases. This is one of the compelling reasons why this group has been supported and protected by some Muslim communities, particularly in Basilan and Sulu Provinces.

#### **A. RECOMMENDED SOLUTIONS FOR COUNTERTERRORISM STRATEGIES**

Despite the complex identity of the ASG as both a terrorist and a criminal organization, the response of the Philippine government has not changed. As a result, the government's efforts have been less than successful. Although intense military operations are crucial in any counterterrorism strategy, the military approach alone has proved inadequate to defeat the ASG. Philippine President Rodrigo Duterte has ordered the

Armed Forces of the Philippines to intensify operations against the ASG.<sup>521</sup> In response to this, the Philippine military deployed more combat troops in Basilan and Sulu provinces. The success of military operations in addressing the ASG, particularly its criminal activities, cannot be measured by the traditional military parameters alone. In fact, when the AFP takes the lead role to eliminate the ASG, the probability of success is considerably low.<sup>522</sup> The presence of several military forces in Basilan and Sulu supported by some units from the PNP Special Action Force has failed to stop the ASG from conducting kidnapping activities. Recently, a South Korean cargo ship captain and one Filipino crewmember were abducted in the southern Philippines.<sup>523</sup> The ASG cleverly executed this KFR operation and successfully evaded naval blockades off the waters of Basilan and Sulu.

Much has been written on how to defeat terrorism in the Philippines, but which method is the most effective approach to eliminate the ASG can be a subject for debate and depends on existing variables. Therefore, this thesis offers significant recommendations to effectively combat the nexus of terrorism and crime, particularly in the case of the ASG, as enumerated below:

### **1. Address the Socio-Economic and Ideological Aspects of Terrorism**

The Philippine government must undertake an in-depth study of the root causes of terrorism and determine appropriate responses to resolve, eliminate, or prevent the same causes from coming back. The Philippine government should address the marginalization, injustices, political oppression, and other grievances of Filipino Muslims because these issues provide inspiration for others to commit violence.<sup>524</sup> The strength and resilience of the ASG lies in the weakness of the government to adequately address

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<sup>521</sup> Trefor Mos, “Philippines’ Duterte Ramps Up Fight With Islamic State-Linked Militants,” *The Wall Street Journal*, accessed November 3, 2016, <http://www.wsj.com/articles/philippines-duterte-turns-his-attention-to-abu-sayyaf-extremists-1472539403>.

<sup>522</sup> “Internal Peace and Security Plan Bayanihan,” Scribd, accessed July 30, 2016, <https://www.scribd.com/document/46302366/AFP-Internal-Peace-and-Security-Plan-IPSP-BAYANIHAN>.

<sup>523</sup> “Korean Abducted in First Philippines Cargo Ship Raid,” *Rappler Philippines*, accessed November 3, 2016, <http://www.rappler.com/nation/149945-south-korea-ship-captain-kidnapping-philippines>.

<sup>524</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 74.

these socio-economic and political issues. Thus, it is important that the Philippine government take the issues into consideration and act accordingly to address the “fundamental political, economic, and social grievances” of Muslim Mindanao.<sup>525</sup> To address the socio-economic and political roots of terrorism is crucial for an effective counterterrorism strategy because terrorism proves to be politically and ideologically motivated.

The AFP Internal Peace and Security Plan “Bayanihan” focuses on winning the peace and not just defeating the enemy. As such, its main objective is supporting community-based peace and development efforts, especially in conflict-affected areas. This campaign plan aims to promote the culture of peace. Thus, the AFP supports counter-radicalization and peace building initiatives, especially in Mindanao. For instance, the AFP facilitates the conduct of the Bishops-Ulama Forum. This forum is one way of engaging religious leaders from the Muslim and Christian faiths to enter into a dialogue in promoting the culture of peace and non-violence. It also serves as a platform to know the issues and other concerns to enhance further the implementation of peace education in the *madrasah* educational system.

## **2. Engage and Empower Local Government Units**

The role of Local Government Units (LGUs) has proven to be crucial in counter-insurgency, particularly in the case of the Philippines where internal conflict has been one of the perennial concerns. The prevalence of extreme poverty, social and cultural marginalization, ethnic discrimination, lack of efficient politics and the increasing economic difficulties in the Southern Philippines are some of the factors that drive Filipino Muslims to engage in violent extremism or crimes.<sup>526</sup> This kind of political and socio-economic situation tends to be a good opportunity for the ASG to entice Muslim youths to join its organization. Empowering the LGUs can be instrumental in averting these outcomes, particularly at the local level. Empowering the LGUs pertains not only to

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<sup>525</sup> Manalo, “Philippine Response to Terrorism: The Abu Sayyaf Group,” 74.

<sup>526</sup> “Assessing ASG’s Capabilities and Vulnerabilities,” Special Report, Intelligence and Security Group, Philippine Army, May 4, 2016.

more financial support from the central government, but also encompasses effective mechanisms on how they can participate in a forum that will help other government agencies and institutions eliminate various threat groups.

One of the measures initiated by the Philippine government is the creation of the Peace and Order Council (POC) at the regional and municipal level. The POC is a convergence mechanism wherein LGUs are encouraged and influenced to take the lead in addressing the underlying causes of insurgency and terrorism. The AFP conducts regular consultations and meetings with leaders of local government units. Since some of the POC members are political leaders elected by the people, they can influence or task community leaders to support the fight against terrorism and crime. The military and police can coordinate with LGUs on how to enhance intelligence networks, particularly in some far-flung areas that are frequently visited or under the influence of the enemy.

### **3. Pursue an Intelligence-Driven Counterterrorism Operation**

Recognizing that intelligence is one important weapon in combating terrorism, AFP intelligence operations are geared towards identifying, monitoring and locating terrorists and other High-Value Individuals (HVIs). As William Fox Jr. argues, there is a “blurred line” between intelligence and combat operations, but in any type of counterterrorism operations, the intelligence organization has always been at the forefront.<sup>527</sup> Both timely intelligence and accurate analysis are important, whether the Philippine government understands counterterrorism as a military or a criminal approach. Accurate and sound information is crucial in uncovering and subsequently preempting terrorists’ plans and intentions. Appropriate intelligence support is extended to the various Task Forces and Joint Task Forces that were created to address terrorism, kidnapping, and other forms of organized crime, particularly in Mindanao. Accurate and timely intelligence is not enough, however, without a proper mechanism for sharing and collaboration of efforts of various intelligence agencies. Intelligence fusion centers must be effective in consolidating and integrating all information necessary for analysis.

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<sup>527</sup> William F. Fox Jr., “Legal Aspects of Terrorism,” *Terrorism* 12, no. 4 (January 8, 2008): 302, DOI: 10.1080/10576108908435790.

The military and police should employ all-source intelligence, which means fusing multi-source intelligence data into a single correlated picture. To promote intelligence fusion, the Joint AFP-PNP Intelligence Committee (JAPIC) was created at the national level and simulated down to the provincial level. Intelligence efforts are coordinated and controlled through the different Joint Intelligence Committees at all levels of the AFP hierarchy. Operations and intelligence fusion centers were also established in the military area commands. Moreover, the AFP coordinates with other government agencies and departments that are involved in combating terrorism.

To augment the collection of intelligence on HVIs, the rewards system was instituted to provide informants the incentive to report the presence of these persons in their localities. The implementation of the rewards system has been effective in neutralizing terrorists. Since 2001, governments of the Philippines and the United States have paid informants a total of US\$14M for providing vital information that led to the neutralization of ASG personalities and their cohorts.<sup>528</sup> Thus, this paper highly recommends enhancing and continuing the rewards for justice program to entice quality informants who are crucial in intelligence operations.

#### **4. Enhance and Upgrade the Capabilities of the Military and Police**

Enhance and upgrade the current capabilities of the military and police to meet the current demand and challenges of the overall anti-terrorism effort of the government. Technological advances could help a lot in this effort. The Philippine government must pursue and continue the AFP Modernization Program. Although these upgrades are primarily intended for territorial defense, the acquisition of the latest military hardware and equipment can also be crucial in counterterrorism operations. Delfin Lorenzana, the secretary of the Department of National Defense, points out that he will continue modernizing the AFP through acquisition of aircraft, sea craft, and other essential equipment to enhance the capabilities of the military.<sup>529</sup> Additionally, the DND has been

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<sup>528</sup> “Philippine Experience in Combating Terrorism” (AFP Presentation, February 2013).

<sup>529</sup> “New Defense Chief Lays Out Plans for DND, AFP,” *GMA News*, July 23, 2016, <http://www.gmanetwork.com/news/story/574836/news/nation/new-defense-chief-lays-out-plans-for-dnd-afp>.

expediting the procurement of mission-essential equipment primarily intended to enhance the internal security operational capabilities of the AFP.<sup>530</sup> The 15-year modernization program includes the acquisition of the following:

Hamilton-class cutters, multipurpose assault craft, Armored Personnel Carriers, brand-new C-295 medium lift aircraft, C-130 heavy transports, FA-50PH light-interim fighter aircraft, naval/attack versions of the Agusta Westland AW-109 helicopters, landing craft heavies, and two strategic sealift vessels, and some other essential hardware and equipment.<sup>531</sup>

In terms of gathering information against the terrorists, Human Intelligence (HUMINT) should be complemented by other important intelligence disciplines—Signal Intelligence (SIGINT) and Imagery Intelligence (IMINT). Although the AFP has this kind of equipment, it needs to upgrade and to procure the latest equipment and technology in the market. On the other hand, the Philippine Navy and Maritime Unit of the PNP have been exerting efforts in securing the maritime borders of Sulu to prevent the ASG from bringing kidnap victims from other Zamboanga Peninsula. To successfully accomplish this mission; it needs the latest and appropriate watercraft to establish checkpoints around critical island provinces and to flag down suspicious high speed motorboats along these waters.

##### **5. Pursue Stronger Bilateral, Regional, and International Cooperation for Terrorism and Crime**

Cooperation with regional partners is crucial to a long-term solution to defeat the transnational nature of terrorism and organized crime. Thus, the Philippines must strengthen its collaboration with regional and international partners to combat terrorism and crime. The Philippines as an archipelagic country can benefit a lot from this regional bilateral and multilateral cooperation. Porous borders in the south between Malaysia and Indonesia serve as an ideal transit route for the terrorists and criminals.

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<sup>530</sup> “New Defense Chief Lays Out Plans for DND, AFP,” GMA News, July 23, 2016, <http://www.gmanetwork.com/news/story/574836/news/nation/new-defense-chief-lays-out-plans-for-dnd-afp>.

<sup>531</sup> “AFP Modernization ‘Will Continue as Scheduled’ Under Duterte Admin,” *Update Philippines*, July 2, 2016, <http://www.update.ph/2016/07/afp-modernization-will-continue-as-scheduled-under-duterte-admin/6925>.

These territorial borders proved to be a huge challenge to secure because the AFP and Philippine Coast Guard (PCG) lack adequate equipment and tools to continuously conduct security patrols and effectively secure the country's territorial waters. In addition, these weaknesses can be offset through multilateral and bilateral cooperation and collaboration with other Asian neighbors. Abuza points out, "ASEAN is the appropriate organization to take the lead on counterterrorism, as the mechanisms and processes are already in place such as the annual meetings of heads of state, foreign ministers, military chiefs, intelligence chiefs, and police chiefs."<sup>532</sup> The AFP cooperates with neighboring countries like Indonesia and Malaysia, with whom the Philippines has existing border patrol and border crossing arrangements. These arrangements help in securing the tri-border area in the Sulu and Celebes seas and restricting the travel of ASG and other terrorists to and from these countries.

## **B. RECOMMENDED SOLUTIONS TO PREEMPT AND PREVENT KIDNAPPINGS**

A traditional military approach is only part of the solution against the kidnapping operations of the ASG. According to Alvarez, "ASG kidnap for ransom is a simple problem complicated by several intangible factors, which requires a complex solution. It necessitates the cooperation of all stakeholders and a sincere desire to end the problem."<sup>533</sup> The Philippine government should adopt a comprehensive strategy that integrates all concerned government agencies and institutions. Moreover, this paper provides policymakers a logical and ground-based understanding of the kidnapping operations of the ASG. The following recommendations are inter-dependent parts of the solution to reduce cases of kidnapping in the southern part of Mindanao:

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<sup>532</sup> Abuza, "Militant Islam," 249, quoted in Eusaquito P. Manalo, "Philippine Response to Terrorism: The Abu Sayyaf Group" (master's thesis, Naval Postgraduate School, Monterey, California, December 2004), 75–76, <http://calhoun.nps.edu/handle/10945/1218>.

<sup>533</sup> Alvarez, "A Case Study on ASG Group Kidnapping for Ransom: Okenek-Dielen Kidnapping," 93.

## **1. Strict Implementation of the “No Negotiation and No Ransom” Policies**

A strong political will is necessary for the strict implementation of the no negotiations with the terrorists and no ransom policies of the government, and a strong hand needs to strictly implement these policies. Legislative measures to preempt kidnapping incidents include passing a law that would punish those who acted as negotiators during kidnapping incident, and those who would pay ransom. Doing this may discourage concerned individuals who have vested interests to act as negotiators. Without any ransom payment, the kidnappers may be discouraged from abducting someone because of the risk, effort, and financial considerations of such operations. Additionally, good governance must be initiated and taken seriously by the national government. If the national government will not address the problems of corruption and governance at the local level, kidnappings will remain a major concern.

Corruption must be stopped at the level of the local government units, and those who are involved in the said malfeasance must be investigated and sanctioned if found guilty. To get rid of corruption and malfeasance within the ranks of local government executives, in the police, and in the military, strong political will is also a key factor. Although the Internal Revenue Allotment (IRA), a revenue share of the local government units from the Philippine national government, undoubtedly plays a major role in political activities, this is often not enough to finance political ambitions. As such, some politicians would resort to other sources of funds, such as kidnapping activities in collusion with the ASG.

In this context, good governance depends on the sincerity of the national government down to the local government units, especially the local chief executives, in delivering and providing public services and creating infrastructure to gain the trust and support of the community. Moreover, equally important in this endeavor is the establishment of a local defense system that will protect significant infrastructure projects and other high impact government projects to alleviate poverty of concerned communities. Enhancement of community defense is also crucial in reinforcing security in the community against violence and coercion from different threat groups.

## **2. Formulation of a National Strategy against Kidnapping**

The formulation of a national strategy against kidnapping, which includes the creation of an agency or an inter-agency task force to coordinate efforts in countering kidnapping activities of the ASG and other lawless elements in Mindanao, should be initiated by a legislative body. This may include placing AFP and other law enforcement units under one command or agency. Although it is easy to say, this is very hard to realize and even harder to implement on the ground. Without the strong political will of those who would be heading this inter-agency task force, then this is just another viable solution in writing and a waste of efforts and resources.

## **3. Enhancement of Border Cooperation**

The Philippines must strengthen its border crossing and border patrol arrangements with its neighboring countries in the south, particularly Indonesia and Malaysia. To control movement of terrorists and criminals along the borders in the south, it requires responsive and appropriate border procedures and countermeasures. Joint and coordinated border security patrols with regional partners along with sharing of information are crucial to prevent movement of both individuals and funds that have links with terrorist and criminal activities. There should be more responsive and regular exchanges at the operational level, and those more extensive linkages should be developed among multilateral agencies of each country operating in the border areas. Doing these measures would mitigate the lack of or inadequate operational data concerning terror organizations, plans, regional associates and sympathizers, and among others.

## **4. Pursue an Effective Counter-Radicalization Program**

This can be done effectively through a multi-sectoral approach, primarily composed of the religious sectors, communities and LGUs supported by the military and the police. According to Hediah Mirahmadi and Mehreen Farooq, while several ways lead to radicalization, “an undeniable driving force is the propagation of radical

ideologies.”<sup>534</sup> They assert that the government needs “to look beyond the traditional law enforcement approaches in which authorities intervene just before or after an act of terrorism.”<sup>535</sup> Counter radicalization programs and initiatives must be one of the key programs of the government “to deter individuals from radicalizing or becoming radicalized.”<sup>536</sup> The Philippine government should appropriate funds in various community-led initiatives of moderate Muslims.

In countering radicalization, the Philippine government must invest in social and community research to better understand the threat of radicalization. Funding for such a program may come from the government as well as from private corporations or from the international community. Additionally, law enforcement agencies must establish rapport and create good partnerships with moderate Muslims who will lead the struggle against radicalization in the communities. Filipino Muslims need to be empowered to counter radical ideology and discourage KFR activities. In addition, some activities inside the mosques must also be monitored to ensure that these religious institutions are not being used to propagate radical ideology.

Moreover, Mirahmadi and Farooq argue, “Counter-radicalization efforts of local mosque communities should be publicly recognized by government officials in their speeches, dinner receptions and awards ceremonies.”<sup>537</sup> Underlining the contribution of Muslim leaders who promote and work for peace will serve as a good example for Muslim youths to follow.<sup>538</sup> Also important, the Philippine government, through the National Commission on Muslim Filipinos (NCMF) as well as other Muslim groups in the country, should intensify the information campaign against radicalization. Finally, radicalization and ASG propaganda online must be confronted. The Internet has

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<sup>534</sup> Hedieh Mirahmadi and Mehreen Farooq, “A Community Approach to Countering Radicalization: A Partnership for America,” The World Organization for Resource Development and Education (WORDE), v, accessed November 7, 2016, <http://www.worde.org/wp-content/uploads/2010/12/WORDE-Counter-Radicalization-Report-Final.pdf>.

<sup>535</sup> Ibid.

<sup>536</sup> Ibid.

<sup>537</sup> Ibid., iv.

<sup>538</sup> Ibid.

increasingly become a significant medium for radicalizing Muslims and for the ASG to recruit potential followers by posting radical statements and articles. Integrated and coordinated efforts should be undertaken to counter ASG propaganda and radicalization online.

### **5. Promotion of Multi-Sectoral Information Advocacy**

The aim of this advocacy is to target religious schools, particularly Islamic schools or *madrasas*, focusing on the ills of KFR activities. Aside from this advocacy campaign, the government, particularly the Department of Education, with the support of the NCMF, must continuously monitor *madrasa* education in the country to ensure that these institutions do not become breeding grounds of terrorist activity and the spread of radical ideas. It is important to note that *madrasas* are scattered all over the Philippines, with the majority found in Central and Western Mindanao.<sup>539</sup>

It is estimated that there are between 600 and 1,000 *madrasas* in Mindanao, with a total student population of between 60,000 and 100,000.<sup>540</sup> This advocacy represents a major step in upgrading madrasah education in the country and in developing young Muslims to become progressive, peace-loving, and responsible members of the community, which in turn will help lure them away from joining the ASG and engaging in KFR activities.

### **6. Empower the Communities and Encourage Citizen's Active Participation**

The community must be engaged and encouraged to increase their commitment and vigilance to report suspicious activities leading to kidnapping. In addition, support the authorities with evidence to clarify and prosecute said crime, using community organizations, foundations, Non-Government Organizations, and private companies to

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<sup>539</sup> Syarif Hidayat, "The Madrasah Islamic Education in the Philippines," *Mi'raj Islamic News Agency*, accessed October 11, 2016, <http://www.mirajnews.com/the-madrasah-islamic-education-in-the-philippines/59697>.

<sup>540</sup> Ibid.

support this cause. It is crucial for the people to know their true strength, which comes from their unity to fight the threat and stop the relentless kidnapping in Mindanao.

In one study conducted by Alvarez, he points out that one notable characteristic of the Tausug tribe is its deep sense of familial ties.<sup>541</sup> The bond that unites these Tausug tribe members became their strongest weapon against the ASG. The elders of this tribe inculcate an old tradition and culture of closeness and alliances between family members and relatives by blood or intermarriages. Tausug know very well that strong alliances stem from the basic social formation—the family.<sup>542</sup> These alliances are what make the entire Tausug tribe very strong. Alvarez cites the case of one place in Sulu—Barangay Bungkaung<sup>543</sup>—where a strong family bond evolved into “multi-family alliances.”<sup>544</sup> Residents of this barangay strongly opposed the influence of the ASG and its kidnapping business, which shows that power lies in the unity of the families in the said area.<sup>545</sup> This kind of alliance among Tausug families can be a good model for other Muslim tribes to emulate in order to resist the threat and influence from the ASG.

## **7. Effective Law Enforcement Operations**

These measures would work successfully if coupled with adequate police visibility in affected areas, as well as the establishment of a local defense system in the community, which will deny criminal elements the opportunity to execute planned atrocities. Likewise, strengthening the functions and mandate of the PNP-AKG in the region would preempt and prevent the prevalence of kidnapping. With regard to the experience of Britain against the IRA, Richardson argues that a weak and “highly fragmented” police organization, in which each police force in England and Wales has its own special branch, makes coordination difficult and results in a perennial problem of

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<sup>541</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom: Okenek-Dielen Kidnapping,” 94.

<sup>542</sup> Ibid., 95.

<sup>543</sup> One of the Barangays of the Municipality of Patikul, Sulu, Philippines.

<sup>544</sup> Alvarez, “A Case Study on ASG Group Kidnapping for Ransom: Okenek-Dielen Kidnapping,” 94.

<sup>545</sup> Ibid.

rivalry among security forces.<sup>546</sup> He also points out that lack of enough police personnel is one of the factors why the police in England and Wales failed to preempt or prevent terrorism in its area of responsibilities.

Traditionally, counterterrorism in the Philippines has been the responsibility of the military; without the support of the local government units coupled with weak governance, however, the military forces cannot effectively defeat the terrorists and totally dismantle their organization and support system. Scott N. McKay and David A. Webb claim that “since 2010, the Philippine government has made an effort to pass the domestic counterterrorism mission from the military to the national police, but the transition has been slow and beleaguered by distrust and competition between the two organizations.”<sup>547</sup>

## 8. Intensify Information Sharing

According to Louise Richardson, “the most important weapon in any campaign against terrorism is intelligence.”<sup>548</sup> He claims that even the British government encountered the perennial problem of intelligence coordination between the police and the military in terms of gathering and sharing of critical information. Intelligence cooperation and active collaboration between and among local intelligence agencies in the area are crucial to effectively monitor the plans and activities of the ASG, particularly its criminal activities. Information exchange, particularly with Malaysian counterparts on the issue of kidnapping, must likewise be pursued. Notably, Malaysia believes that some ‘water villages’<sup>549</sup> in Sabah, particularly in Semporna, serve as hideouts for Philippine kidnappers and also as a safe haven for kidnap victims prior to their transit to the

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<sup>546</sup> Louise Richardson, “Britain and the IRA,” in *Democracy and Counterterrorism: Lessons from the Past*, ed. Robert J. Art and Louise Richardson (Washington, DC: US Institute of Peace, 2007), 77.

<sup>547</sup> Scott N. McKay and David A. Webb, “Comparing Counterterrorism in Indonesia and the Philippines,” Counter Terrorism Center, February 27, 2015, <https://www.ctc.usma.edu/posts/comparing-counterterrorism-in-indonesia-and-the-philippines>.

<sup>548</sup> Richardson, “Britain and the IRA,” 82.

<sup>549</sup> “Water villages are settlements that are usually built on the water. Houses often float on the water or are located on stilts and rarely on small islands.” Source: <http://hiddenunseen.blogspot.com/2012/03/top-10-water-villages-in-world.html>.

Philippines. Some residents of these water villages are also believed to act as spotters of potential kidnap victims in Sabah.

The British intelligence approach in Northern Ireland is one good example of how effective collaboration among intelligence units of the military and police could be crucial in any counterterrorism operations. Despite several sub-units that are operating against one specific terrorist organization in Northern Ireland, a clear guideline outlines how intelligence collection and operations will be conducted. Thus, serious lapses and problems have been avoided with regard to coordination between the military and the police.<sup>550</sup>

### **C. FINAL THOUGHTS**

As terrorism has been evolving and becoming a global concern, various nations have tried different strategies and approaches to combat terrorism. Although the current Philippine CT strategy and approach have been successful in decimating the ASG, it needs further restudy to be more responsive and proactive. Terrorism and crime remain one of the security concerns in Mindanao, particularly the relentless kidnappings of the ASG. A strategy and approach must be perfected that is appropriate against hybrid organizations such as the ASG. Moreover, this perpetual concern of terrorism requires an in-depth assessment and analysis to come up with a rational and comprehensive set of countermeasures and responses.

The current deployment of more troops in Basilan and Sulu provinces clearly suggests that the Philippines heavily relies on fighting terrorism with a military model approach, and massive deployment of troops and intense military operations do not really deter or prevent terrorism and crime in Mindanao. Although this approach—as stated in IPSP “Bayanihan”—intends to involve and encourage the active participation of various stakeholders, still it seems inadequate and weak in terms of getting the complete support and cooperation of various concerned government and private agencies and institutions.

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<sup>550</sup> Richardson, “Britain and the IRA,” 82.

The Philippine government remains reactive to the terroristic and criminal activities emanating from the ASG; the countermeasures and approaches that have been developed and employed do not really deter or prevent terrorism and crime in Mindanao. Due to the multifarious socio-economic, political and cultural factors that contribute to the prevalence of kidnapping in Mindanao, the solution to the problem would necessitate a whole-nation and integrated approach. Various terrorist groups, particularly the ASG, will continue to pose huge challenges to the Philippine government in the next few years. The ASG will still see kidnapping as a lucrative undertaking as this has largely sustained the group and part of the communities where it operates. It is expected that the ASG will continue with abductions, both within and outside its traditional bases. IED attacks and other forms of violence will also continue against the military and police and to the innocent civilians.

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